

**PB# 01-25**

**Dennis Butler  
(Sub.)**

**52-1-99**

TOWN OF NEW WINDSOR  
PLANNING BOARD

**APPROVED COPY**

DATE: 09-26-02

~~De Fay~~

De Fay, Julia

496-6149

Payne, Debra

497-7231

Meacham, Michael

496-0108

Notify when back on Agenda

01-25

Map Number 232-02 City ☐  
Section 52 Block 1 Lot 99 Town ☒ Village ☐ New Windsor

Title: Butler, Dennis

Dated: 4-9-02 Filed: 11-6-02

Approved by James Bresnan

on 9-24-02

Record Owner Butler, Dennis

DONNA L. BENSON  
Orange County Clerk

# JACOBOWITZ AND GUBITS, LLP

GERALD N. JACOBOWITZ  
DAVID B. GUBITS  
JOHN H. THOMAS JR.  
GERALD A. LENNON  
PETER R. ERIKSEN  
HOWARD PROTTER  
DONALD G. NICHOL  
LARRY WOLINSKY  
ROBERT E. DINARDO  
J. BENJAMIN GAILEY  
MARK A. KROHN\*  
\*LL.M. IN TAXATION

## COUNSELORS AT LAW

158 ORANGE AVENUE  
POST OFFICE BOX 367  
WALDEN, NEW YORK 12586-0367

(845) 778-2121 (845) 778-5173 FAX  
E-mail: [info@jacobowitz.com](mailto:info@jacobowitz.com)

JOHN C. CAPPELLO  
GEORGE W. LITHCO  
MICHAEL L. CAREY  
G. BRIAN MORGAN  
TODD N. ROBINSON  
JONATHAN KATZ  
KIRK VAN TASSELL

LINDA F. MADOFF  
Of Counsel

September 6, 2001

Hon. James Petro, Chairman  
And Planning Board Members  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, New York 12553

RE: Subdivision Lands of Dennis Butler  
Our File # 4494-1


Dear Chairman Petro:

Enclosed is a binder with a letter analysis of the issue regarding a purported limitation on the ability of the Planning Board to continue processing the subject subdivision application. A copy of that submission has also been provided to the Planning Board's Attorney, Andrew S. Krieger, Esq.

There are two other items of which the Board should be aware in its consideration of the subdivision application. Enclosed is a photocopy of a portion of the relevant tax map on which the Butler lot (tax lot 99) is outlined in pink and the Hammer lot (tax lot 95) is outlined in blue. The yellow area is a 150 feet wide Central Hudson utility line easement. That easement effectively acts as a man made "buffer area" between the proposed Butler Subdivision and the adjoining lots in the Liberty Meadows Subdivision.

Despite the fact that the Declaration which affects the Hammer Lot (and other lots in the Liberty Meadows Subdivision) does not affect the Butler Lot, my client is willing to impose a declaration on his four (4) lot subdivision as a condition of final approval. The restrictions in that new declaration could substantially mirror the essential restrictions that exist in the Liberty Meadows Declaration. If the Board determines that such an approach would be beneficial, I would submit a draft of such a proposed declaration for Mr. Krieger's review.

Very truly yours,

  
Gerald A. Lennon

CC: Andrew S. Krieger, Esq.,  
Planning Board Attorney  
Dennis Butler

Cell  
914-804-751  
Dennis 473-6541





**TOWN OF NEW WINDSOR  
PLANNING BOARD  
SUBDIVISION  
SEPTEMBER 6, 2001**

# JACOBOWITZ AND GUBITS, LLP

GERALD N. JACOBOWITZ  
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158 ORANGE AVENUE  
POST OFFICE BOX 367  
WALDEN, NEW YORK 12586-0367

(845) 778-2121 (845) 778-5173 FAX  
E-mail: [info@jacobowitz.com](mailto:info@jacobowitz.com)

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September 6, 2001

Hon. James Petro, Chairman  
And Planning Board Members  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, New York 12553

RE: Subdivision Lands of Dennis Butler  
Our File # 4494-1

Dear Chairman Petro:

This office represents Dennis Butler with regard to the purported restriction against further subdivision of his lands which was raised in the public hearing for the subject 4 lot subdivision. The minutes of the June 27, 2001 public hearing indicate that Brian J. Hammer raised an objection to the subdivision based on his belief that the Butler lot (lot # 22 on Filed Map # 9582 - August 1, 1989, the "Filed Map") is subject to the same restrictions which apply to his lot (#17).

The Hammer deed (from Brian J. Hammer to Brian J. Hammer and Debra L. LaMorte dated September 19, 1994, recorded at Liber 4111 cp 261) is attached as Exhibit "A." The deed to the Hammer Lot expressly provides that it is, "Subject to Declaration of Covenants and Restrictions dated 2/6/92 and recorded in the Orange County Clerk's Office in Liber 3579 of deeds at page 34 on 3/25/92." (The "Declaration") Paragraph 2. of the Declaration (attached as Exhibit "B") states, "No existing lot on the Filed Map shall be further subdivided except for lot no. 6 which consists of 76+/- acres."

### **A. The Declaration Does Not Bind the Butler Lot (Lot #22):**

While the language of paragraph 2. of the Declaration purports to bind all lots on the Filed Map, the actual binding language of the Declaration is to the contrary. Page one (Liber 3579 cp 35) of the Declaration binds certain specific lots on the Filed Map. While Mr. Hammer's lot (#17) is specifically listed as one of the enumerated lots being bound by the various terms of the Declaration, the Butler Lot (#22) is not. In fact, lots 1, 5, 6, 11-14 and 22 on the Filed Map are not bound by the Declaration.

It is also important to note that First Benmar was a signatory to the Declaration as the owner of lots 2,4,7,9,10,16,17 (the Hammer Lot), 18 and 19 on the Filed Map. At the date of the execution of the Declaration, First Benmar was also the owner of the Butler lot (#22) (see Exhibit C-1). The exclusion of the Butler Lot from the Declaration clearly evidences the intent that Lot #22 **not** be subject to the provisions of the Declaration, including the purported limitation on subdivision. The "plain language"

of the document speaks for itself. Attempting to infer that Benmar intended to include Lot # 22 within the bounds of the Declaration would stretch the rules of construction beyond the breaking point.

**B. There is No Restriction on Subdivision in the Chain of Title of the Butler Lot:**

Attached as exhibits "C-1" through "C-7" are the deeds in the Butler lot chain of title from prior to the approval and filing of the Filed Map. First Hudson Land Company, Inc. ("First Hudson") acquired title to the Filed Map premises by deeds from Plotczyk, et al (Liber 2816cp 286) and Fabricant (Liber 2816 cp 292) recorded in the Orange County Clerk's Office on October 19, 1987 (see Schedule A-4, Liber 3397 cp 163 - part of Exhibit C-1). Lot # 22, the Butler Lot, comes out of the chain of title of the initial conveyance into First Hudson (C-7 is the deed into Butler). First Hudson was the Owner of Record and the Applicant for the subdivision subsequently approved as shown on the Filed Map ( see Exhibits "D-1" -through "D-4").

No where in the chain of title is there any restriction placed on Lot # 22 in any way prohibiting, or even limiting, a subdivision of that lot (while not relevant to this discussion, it should also be noted that none of the other restrictions in the Declaration apply to the Butler either). There is no reference in the various conveyances to the Declaration which contained that restriction. The obvious reason is that **Lot # 22 was not intended to be covered by the Declaration.** As further indication of that intent, as discussed above regarding the Declaration, First Benmar, a signatory to the Declaration as to certain of the lots it then owned, was also the owner of Lot # 22 at the time of execution of the Declaration.

**C. The Notes on the Filed Map Do Not Prohibit a Subdivision of the Butler Lot:**

The General Notes portion of the Filed Map (Exhibit D-4) does not legally prohibit the subdivision of Lot # 22. General Notes # 7 and # 10 appear to limit the further subdivision of Lot # 22. However, read carefully, note # 10 is permissive in nature and the "prohibition" in note # 7 is against a subdivision which would be in violation of the "deed restrictions and zoning ordinances." As thoroughly discussed above, there are no deed restrictions affecting Lot # 22 which prohibit or limit its subdivision and the proposed subdivision is in accordance with the Town of New Windsor's existing zoning law - or the Planning Board would lack the authority to approve it. Therefore, starting with the constitutional premise in favor of protecting property rights and strictly construing any apparent conflict in favor of the property owner, the map notes do not prohibit nor limit the ability of the Planning Board to grant a subdivision of Lot # 22 - provided any such subdivision is consistent with the current zoning law and applicable subdivision regulations.

**D. Applicable Case Law Negates the Imposition of the "No Subdivision" Restriction:**

In Huggins v. Castle Estates, 36 N.Y.2d 427 (1975) the Court of Appeals considered the issue of the binding effect of a map note on a filed map on the future use of a particular portion of the property shown on that map. The developer-defendant owned a large parcel of land zoned residential. It prosecuted an application for a 126 one and two family residential lot subdivision on a portion of its property, while the balance of its property was labeled on the map as "Castle Estates Inc. R-2 Zoning" (the "Vacant Parcel"). The subdivision was granted, the map filed and some of the homes were built and sold. Subsequent to the sale of a number of the homes, the zoning of the Vacant Parcel was changed from residential to commercial. The developer-defendant entered into a contract to sell the Vacant Parcel for an automobile showroom and repair facility. The homeowners sued to block use of the property other than for residential development based on the map note, or as the court put it,

“At issue here is...whether these homeowners may impose a negative easement upon adjoining lands by virtue of a notation found on the plat map.” (See id. at 429)

The court held that **the map note did not** bind the Vacant Parcel. The court summarized several established principles of law relevant to its determination:

- 1 “At the outset we note that the policy of the law is to favor the free and unobstructed use of realty (Premium point Park Assn. v. Polar Bar, 306 N.Y.507, 119 N.E.2d.360)...”
2. “...that covenants restricting the use of property will be strictly construed against those seeking to enforce them (Buffalo Academy of Sacred Heart v. Boehm Bros. 267 N.Y.242, 196 N.E.42).”
3. “The burden of proof is on the party endeavoring to enforce a restrictive covenant and must be met by more than a doubtful right (Single v. Whitmore, 307 N.Y.575, 122 N.E.2d 918).”

Summarizing those principles the court stated, “Only where it has been established by *clear and convincing proof* will our court impose such a restriction.” (*emphasis added*) (36 N.Y.2d 427, 430)

The court discussed the potential creation of a negative easement (such as no further subdivision) by either express grant or implication. The court quickly concluded that there was no such express grant. The court relied substantially on the fact that there was sufficiently clear language in the deeds to the homeowners about the various restrictions on the use of their properties but then noted the “conspicuous absence” of any such language affecting the Vacant Parcel. The court said, “Surely if a similar restriction...was contemplated language of similar definiteness and clarity would have been employed (id. at 431).” **There is absolutely no reference to any restriction on the subdivision (or any other restrictions for that matter) of the Butler Lot in any deed in the chain of title of that lot.**

The court then examined the assertion that the negative easement arose by implication from the map note. Such negative easements can arise from filed map notations **or** by virtue of a “common plan.” The court stated that given,

“the quasi-public nature of a plat map...a filed map which designates areas such as streets, parks or beaches, a negative easement has been consistently recognized....  
The rationale behind this approach is that certain designations by their very nature and description impart the existence of negative restrictions.” (Id. at 432)

The court then held that the subject map note **was not** sufficient to establish such an easement. The purported restrictions on subdivision, based on General Map Notes # 7 and # 10 (see discussion in “C” above) **do not** “by their very nature and description” and by “clear and convincing proof” establish such a negative easement. In fact, note # 10 is irrelevant to that issue and note # 7 established two conditions to any such restriction: any further subdivision must be “in accordance with deed restrictions and zoning ordinances.” The proposed subdivision is fully in accord with both those conditions. Consequently, **a absolute prohibition against subdivision of the Butler Lot can not be reasonably inferred from the General Notes # 7 and # 10.**

Lastly, the court examined the question of whether a negative easement arose because “substantially common limitations” were placed “on all similarly situated lots.” (Id. at 432).

The court summarized and then applied the general rule as follows::

“Whether or not a general plan of development exists is a question of fact which must be established by clear and definite proof....The instant record fails to establish with sufficient clarity and definiteness the existence of a general plan.”  
(Id. at 432)

Clearly, it is difficult to argue that in this matter (the Liberty Meadows Subdivision) the existence of a general plan was established “with sufficient clarity and definiteness” and by “clear and definite proof.” The facts argue just the opposite. Some lots were subject to the restriction and some were not. Some lots were bound by the Declaration and some (notably the Butler Lot) were not. In fact, there is even inconsistency within the Declaration itself. Some lots are subject to a restriction regarding placement of swimming pools while others are not. While that variation of restrictions is fully enforceable as to the lots bound by the Declaration itself, it further shows the absence of a common development plan with “substantially common limitations” on “similarly situated lots.” **The map notes do not establish a common development plan which would give rise to a negative easement prohibiting subdivision of the Butler Lot.**

**Summary:**

A subdivision of the Butler Lot is not prohibited by any deed restrictions, by the Declaration or by any map notes, provided the subdivision complies with the existing “zoning ordinances.” The proposed Butler subdivision complies with such “ordinances” (the current Town of New Windsor Zoning Law and Subdivision Regulations) and, consequently, there is no prohibition, public or private, which limits the ability of the Planning Board to complete its processing of the Butler subdivision application in due course.

I am available to appear before your Board to discuss this matter further at your convenience. After the Board and its Attorney have had the opportunity to review this letter in detail, and provided me with the opportunity for any supplementation or clarification the Board may desire, I would respectfully request the public hearing in this matter be resumed at a date convenient to the Board.

Very truly yours,

  
Gerald A. Lennon

CC: Andrew S. Krieger, Esq.,  
Planning Board Attorney  
Dennis Butler

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 19th day of September, nineteen hundred and ninety-four  
BETWEEN BRIAN J. HAMMER, residing at P.O. Box 56, Wilson Place,  
Cornwall, New York 12518

party of the first part, and BRIAN J. HAMMER & DEBRA L. LaMORTE, residing  
at P.O. Box 56, Wilson Place, Cornwall, New York 12518, as joint  
*tenants with right of survivorship,*

*do  
BRH*

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----Ten and 00/100-----  
-----(\$10.00) -----  
and other good and valuable consideration ----- dollars,  
lawful money of the United States, paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the Town of New Windsor, County of Orange and State of  
New York, shown and designated as Lot #17 on a map of Liberty Meadows  
Subdivision filed in the Orange County Clerk's office on 8/1/89 as  
Map No. 9582.

Being a portion of the premises conveyed in a certain deed from  
Evergreen Venture Capital Corp. to First Benmar on 1/15/91,  
recorded in the Office of the Orange County Clerk in Liber 3397 of  
deeds at page 173 on 1/17/91.

Subject to all easements, restrictions, agreements, and rights of  
way of record affecting the premises herein conveyed.

Subject to Declaration of Covenants and Restrictions dated 2/6/92  
and recorded in the Orange County Clerk's Office in Liber 3579 at  
page 34 on 3/25/92.

Subject to and reserving to the grantor the right to offer for  
dedication to the Town of New Windsor all roads, easements, and  
rights of ways pertinent thereto as identified on the filed  
subdivision map.

Subject to all restrictions, notes, covenants, offers of  
dedications and conditions set forth on the Subdivision Map.

TOGETHER with the appurtenances and all the estate and rights of  
the party of the first part in and to said premises; TO HAVE AND TO  
HOLD the premises herein granted unto the party of the second part;  
their heirs or successors and assigns of the party of the second part  
forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid. AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

BEING the same premises conveyed by First National Bank of Glens Falls to Brian J. Hammer by deed dated June 22, 1994 and recorded in the Orange County Clerk's office on June 30, 1994 in Liber 4068 of Deeds at page 199.



TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires. IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
BRIAN J. HAMMER

18114111mc 263

# ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE (This Page is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

KEVIN & MARIA FINUCANE, JOHN F & ROSE MEOLA,  
STEFANO A MASI & JOAN BALDASSARE, JOAN  
BALDASSARE, STEFANO A & MARYANN MASI  
& FIRST BENMAR

DECLARATION

RECORD AND RETURN TO:  
(Name and Address)

Drake, Sommers, Loeb, Tarshis & Catania, PC  
One Corwin Court  
Newburgh, New York 12550  
Attn: James R. Loeb, Esq.  
File # 37541

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 53132 DATE 2/19/92 AFFIDAVIT FILED 19  
INSTRUMENT TYPE: DEED        MORTGAGE        SATISFACTION        ASSIGNMENT        OTHER Deed

BG20 Blooming Grove	SERIAL NO. <u>      </u>	CHECK <u>  </u> CASH <u>  </u> CHARGE <u>  </u>
CH22 Chester	Mortgage Amount \$ <u>      </u>	
CO24 Cornwall	Exempt Yes <u>  </u> No <u>  </u>	MORTGAGE TAX \$ <u>      </u>
CR28 Crawford	J-6 Cooking Units Yes <u>  </u> No <u>  </u>	TRANSFER TAX \$ <u>      </u>
DP28 Deerpark	Received Tax on above Mortgage	
GO30 Goshen	Basic \$ <u>      </u>	RECORD. FEE \$ <u>29.00</u> (B)
GR32 Greenville	MTA \$ <u>      </u>	REPORT FORMS \$ <u>      </u>
HA34 Hamptonburgh	Spec. Add. \$ <u>      </u>	CERT. COPIES \$ <u>      </u>
HI36 Highland	TOTAL \$ <u>      </u>	
MK38 Minisink		
ME40 Monroe		
MY42 Montgomery		
MH44 Mount Hope		
NT46 Newburgh (T)		
NW48 New Windsor		
TU50 Tuxedo		
WL62 Walkkill		
WK54 Warwick		
WAS6 Wawayanda		
WO58 Woodbury		
MN09 Middletown		
NC11 Newburgh		
PJ13 Port Jervis		
9999 Hold		

MARION S. MURPHY  
Orange County Clerk

by: C. Papacosta

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the 25th day of March 19 92 at 1:37  
O'clock P M. In Liber/Film 3578  
Deed at page 34 and examined.

Marion S. Murphy  
County Clerk

RECEIVED

\$         
REAL ESTATE  
TRANSFER TAX  
ORANGE COUNTY

LIBER 3579 PAGE 34

ORC 03/25/92 01:37:48 13337 29.00  
\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*  
DEED CONTROL NO: 53132 .00 \*

May 30 1992

DECLARATION OF RESTRICTIVE COVENANTS

In consideration of the mutual promises exchanged among the various owners and in consideration of One (\$1.00) Dollar paid by each owner to the other, the receipt of which is hereby acknowledged, the owners of certain lots on premises known as Liberty Meadows Subdivision in the Town of New Windsor, Orange County, New York as shown on a map filed in the Orange County Clerk's Office August 1, 1989 as Map No. 9582 do hereby impose and declare the covenants and restrictions hereinafter set forth to be in addition to the notes set forth on the filed map, and affecting the following numbered lots owned by the persons whose names are set forth below. The covenants and restrictions contained herein shall run with the land and bind all present and future owners of the lots as follows:

<u>Owner</u>	<u>Lot No.</u>
Kevin Finucane and Maria Finucane	3 *
John F. Meola and Rose Meola	8
Stefano A. Masi and Joan Baldassare	15
Joan Baldassare	20
Stefano A. Masi and Maryann Masi	21
First Benmar	2, 4, 7, 9, 10, 16, 17, 18, 19

1. Any residential structure constructed on any lot shall consist of a minimum of 2,400 square feet of livable space, the lowest floor elevation of which shall be above the elevation of the lowest point on the final grading at the structure's foundation. The required minimum 2,400 square feet and the floor

\*FOR ADDRESSES SEE SIGNATURE PAGE, PAGE 4

LIBER 3579 PAGE 35

elevation minimum shall not include any breezeway, basement and garage.

2. No existing lot on the filed map shall be further subdivided except for lot no. 6 which consists of 76+ acres.

3. No activities shall be carried on nor anything done or placed on any of the lots which shall cause a nuisance to other lot owners.

4. No satellite dishes or other types of dish antennae of any kind shall be located nearer than 150 feet from the right-of-way of any road on the filed map, nor closer than 50 feet from the sidelines of any building lot, and in all cases must be landscaped and screened from the adjoining lot.

5. No trailers or mobile homes for dwelling purposes, whether temporary or permanent, may be placed on any lot; notwithstanding the foregoing, the use of a construction trailer for non-residential purposes shall be permitted during the actual construction of a single family dwelling on any of the lots.

6. All utility installations including hook-ups from the utilities installed in the rights-of-way shall be underground; this shall include cable television as well as electric service.

7. All above-ground swimming pools must be screened by landscaping except for pools installed on the following lots: 2, 3, and 4.

8. Except for one van or one pick-up truck, no commercial vehicle shall be parked on or in front of any residential lot; nothing contained herein shall prevent the parking of one or more commercial vehicles in a garage on the lot. Nothing contained in this paragraph shall prevent the parking of a commercial vehicle on or in front of any lot while the driver of the vehicle is actually working on the subject premises.

9. No exterior clotheslines or drying yards shall be permitted unless located and landscaped as not to be visible from adjoining premises.

10. There shall be no cutting of trees within 25 feet of all side or rear lot lines except for thinning and removal of trees in accordance with recognized forestry conservation practices.

11. Subject to the provisions of the Town of New Windsor zoning regulations, accessory structures may be erected; however, no trailers, motor homes, trucks or motor vehicles unless currently registered shall be permitted on or in front of any lot, except for such vehicles as may be stored within a stored garage.

12. After construction of a residence or any other improvements on a lot, no refuse, construction debris or other unsightly objects shall be allowed to remain anywhere on the lot.

13. All doghouses and dog runs must be located only in rear yards and must be located at least 25' from the rear line and the side lines.

The foregoing Declaration of Restrictive Covenants is hereby imposed and declared as of this 6 day of February, 1992.

Kevin Finucane  
KEVIN FINUCANE residing at PO Box 7,  
Rock Tavern, NY 12575

Maria Finucane  
MARIA FINUCANE residing at PO Box 7,  
Rock Tavern, NY 12575

John F. Meola  
JOHN F. MEOLA residing at 7 Leone Court,  
Woodcliff Lake, NJ 07675

Rose Meola  
ROSE MEOLA, residing at 7 Leone Court,  
Woodcliff Lake, NJ 07675

Stefano A. Masi  
STEFANO A. MASI, residing at 4 Squire Court,  
Mahwah, NJ 07430

Joan Baldassare  
JOAN BALDASSARE, residing at 2 Sparrow Road,  
Mahwah, NJ 07430

Maryann Masi  
MARYANN MASI, residing at 4 Square Court,  
Mahwah, NJ 07430

FIRST BENMAR

By: Robert B. Masi  
principal place of business at 799 Main St.  
Dalton, MA 01226

TO ALL WHOM THESE PRESENTS MAY COME:

I, R. NORMAN PETERS of 255 Park Street, in the City of Worcester, Massachusetts 01609, duly qualified Chapter 7 Trustee in bankruptcy of the estate of FIRST HUDSON LAND CO., INC., Case No. 89-40919-JFQ, a debtor in the United States Bankruptcy Court for the District of Massachusetts send greeting:

WHEREAS I, the said R. NORMAN PETERS, Chapter 7 Trustee of the estate of the said debtor and having caused a Notice Of Intended Sale of Real Estate dated November 2, 1990 to be served on all parties in interest of the debtor pursuant to 11 U. S. C. Section 363 (b); providing therein, that any objections to this sale or any counter-offers to the sale be filed by November 27, 1990 with the Clerk, United States Bankruptcy Court, 10 Mechanics Street, Worcester, Massachusetts 01608. (Copy attached hereto as Schedule B)

AND WHEREAS, the Clerk, United States Bankruptcy Court, not having received any objections to the sale or any higher counter-offers to the sale to Evergreen Venture Capital Corp. except the limited objection of New Heritage Bank which objection was withdrawn on the 7th day of December, 1990 and the Clerk having issued his certificate of no objections, except as provided herein, or no appeals. (Copy attached hereto as Schedule C)

AND WHEREAS, I, the said R. NORMAN PETERS, in my capacity as Chapter 7 Trustee of the estate of the said debtor, am duly authorized and empowered to sell the portion of the debtor's estate hereinafter described by private sale to Evergreen Venture Capital Corp.

NOW THEREFORE, KNOW YE, That I, the said R. NORMAN PETERS, in my capacity as Chapter 7 Trustee of the estate of FIRST HUDSON LAND CO., INC., Case No. 89-40919-JFQ, debtor aforesaid, by virtue of the power and authority in me vested as aforesaid, and in accordance with the Notice of Intended Sale dated November 2, 1990 and in consideration of

R-R:

THARP AND JONES  
Attorneys at Law  
21 Bay Street, P.O. Box 705  
Glens Falls, New York 12031

LIBR 3397 PAGE 157  
155

R. 1-17-91

the sum of \$84,000, payment of costs of up to the amount of \$17,200, and the release of obligations in the amount of \$747,805 for a total sum of \$848,285 to me in hand paid by the said Evergreen Venture Capital Corp. the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY, unto the said Evergreen Venture Capital Corp., its successors and assigns forever:

ALL the right, title and interest which is vested in me as Chapter 7 Trustee in bankruptcy of FIRST HUDSON LAND CO., INC., Case No. 89-40919-JFQ, the aforesaid debtor, free and clear of all liens except those liens set forth in the Notice of Intended Sale to be assumed or taken subject to by Evergreen Venture Capital Corp. of, in and to:

See Schedule A annexed hereto and made a part hereof for the description of the premises herein conveyed.

TOGETHER with any right, title, or interest, if any, in and to any streets or roads abutting the aforesaid premises to the centerline thereof.

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises.

THAT, IN COMPLIANCE WITH SECTION 13 OF THE LIEN LAW, Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

TO HAVE AND TO HOLD, the above-bargained premises, to the said Evergreen Venture Capital Corp., its successors and assigns, for its use and behoof forever.



EXHIBIT "A"

All that certain lot, piece or parcel of land situate in the Town of New Windsor, County of Orange, State of New York lying and being on the East side of Shaw Road, the East side of Beattie Road, both Town Roads and on the South side of New York State Route 207 and more accurately bounded and described as follows:

Beginning at the point of intersection of the East bounds of said Beattie Road with the South bounds of said New York State Route 207 and runs thence; along said South bounds of Route 207 the following 7 courses and distances:

- 1) North 82-19-48 East 96.55 feet; thence
- 2) North 77-10-54 East 178.68 feet to a found highway monument; thence
- 3) North 75-53-49 East 198.72 feet to a found highway monument; thence
- 4) North 69-07-01 East 29.85 feet to a found highway monument; thence
- 5) North 60-03-13 East 71.14 feet to a found highway monument; thence
- 6) North 47-22-49 East 112.77 feet; thence
- 7) North 65-58-42 East 145.71 feet to the bounds of lands now or formerly of McCabe (51-1-56); thence 8) along said McCabe and following a stone wall South 39-49-27 East 277.59 feet to an iron pipe found in said stone wall and the bounds of lands now or formerly of Bertone (51-1-55); thence 9) along said Bertone and lands now or formerly of Mannoni and Calzo (51-1-54.22) and following said stone wall South 40-33-19 East 982.11 feet to the

~~LIBER 3397 PAGE 216~~

SCHEDULE A-1

LIBER 3397 PAGE 160

bounds of lands now or formerly of Lange (52-1-8.22); thence 10) along said Lange and following said stone wall South 40-33-32 East 978.90 feet to the bounds of lands now or formerly of Woroschinski (52-1-2); thence 11) along said Woroschinski and following said stone wall South 40-32-03 East 660.64 feet to a 24° Oak at a corner of stone walls in the bounds of lands now or formerly of Cangelosi (52-1-44.2); thence along said Cangelosi and following said stone wall the following 4 courses and distances:

12) South 38-24-33 West 1249.87 feet to the end of said stone wall thence:

13) South 71-02-59 West 344.59 feet; thence

14) North 78-10-16 West 104.49 feet; thence

15) South 85-59-47 West 285.70 feet; thence

16) North 77-33-21 West 204.06 feet; thence

17) North 89-00-13 West 462.86 feet to the East bounds of said Shaw Road; thence 18) along said East road bounds North 30-41-39 West 49.84 feet to the bounds of lands now or formerly of Scott (52-1-45); thence 19) along said Scott South 89-23-39 East 198.47 feet to the bounds of lands now or formerly of Lucy (52-1-47); thence along said Lucy the following 3 courses and distances:

SCHEDULE A-2

LB 3397 PAGE 161

20) South 89-54-55 East 149.74 feet to an iron pipe found; thence

21) North 32-42-09 West 493.40 feet; thence

22) South 57-19-56 West 304.66 feet to an iron pin found in the said East bounds of Shaw Road; thence 23) along said East Road bounds North 32-50-01 West 210.73 feet; thence 24) along the same North 31-00-20 West 270.03 feet to the bounds of lands now or formerly of Monczyn (32-1-40); thence along said Monczyn the following 3 courses and distances:

25) North 20-06-25 East 223.44 feet; thence

26) North 50-25-37 West 195.30 feet; thence

27) South 41-29-23 West 125.02 feet to the said East bounds of Shaw Road; thence along said East Road bounds the following 3 courses and distances:

28) North 29-25-38 West 734.48 feet; thence

29) North 32-05-39 West 124.93 feet; thence

30) North 06-03-39 West 101.08 feet to the intersection of said East bounds of Shaw Road with the East bounds of said Beattie Road; thence along the said East bounds of Beattie Road the following 5 courses and distances:

31) North 25-24-48 East 80.32 feet; thence

32) North 23-20-48 East 375.61 feet; thence

33) North 20-13-40 East 510.50 feet; thence

34) North 10-12-42 East 153.92 feet; thence

35) North 21-27-49 East 415.55 feet to said point or place of beginning and containing 144.40 acres of land more or less.

EXHIBIT - A -

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SCHEDULE A-3

LIB: 3397 PAGE 162

BEING the same premises conveyed to First Hudson Land Co. Inc. by the following two deeds:

1. from Evelyn L. Plotczyk, Stella F. Gessner, Edith M. Neumann, Borghild Pedersen, Mildred Breier and George Nilson dated August 20, 1987 and recorded in the Orange County Clerk's Office on October 19, 1987 in Book 2816 at Page 286; and
2. from Deborah Fabricant, as Executrix of the Last Will and Testament of Herbert J. Fabricant, deceased, dated September 11, 1987 and recorded in the Orange County Clerk's Office on October 19, 1987 in Book 2816 at Page 292.

EXCEPTING AND RESERVING THEREFROM all those certain parcels of land shown and designated as Lots Nos. 1, 3, 8, 11, 14, 15, 20 and 21 on a certain subdivision map entitled "Subdivision Plan, Liberty Meadows, Town of New Windsor, Orange County, New York" made by Silvers Engineering Associates, dated 6-6-88, last revised 5-17-89 and filed in the Orange County Clerk's Office on 8-1-89 as Map #9582.

SUBJECT also to all enforceable covenants, easements, restrictions, and reservations of record.

SUBJECT also to a first mortgage made by First Hudson Land Company, Inc. to Evelyn L. Plotczyk, Stella F. Gessner, Edith M. Neumann, Borghild Pedersen, Mildred Breier, George Nilson and Deborah Fabricant, as the Executrix of the Last Will and Testament of Herbert J. Fabricant, deceased dated October 14, 1987 and recorded in the Orange County Clerk's Office on October 19, 1987 in Book 2857 of Mortgages at Page 171, which mortgage was assigned to The First National Bank of Glens Falls by assignment dated as of April 20, 1990 and recorded in the Orange County Clerk's Office on September 5, 1990 in Book 3813 of Mortgages at Page 1.

SUBJECT also to a master mortgage made by First Hudson Land Company, Inc. to Properties of America, Inc. dated June 1, 1987 and recorded in the Orange County Clerk's Office on July 17, 1987 in Book 2743 of Mortgages at Page 186 which mortgage was assigned to The First National Bank of Glens Falls by assignment dated June 23, 1987 and recorded in the Orange County Clerk's Office on July 17, 1987 in Book 2726 of Mortgages at Page 338.

It is the intention of the parties that the lien of said mortgages shall not merge in the fee title of the grantee.

SCHEDULE A-4

LIBER 3397 PAGE 163

**BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS**

**DATE OF DEED:** January 15, 1991

**GRANTOR:** EVERGREEN VENTURE CAPITAL CORP.,  
a New York corporation with  
a principal place of business at  
237 Glen Street  
Glens Falls, New York 12801

**GRANTEE:** FIRST BENMAR,  
a Massachusetts corporation authorized  
to do business in the State of New York  
having its principal place of business at  
799 Main Street  
Dalton, Massachusetts 01226

THIS BARGAIN AND SALE DEED made between Grantor and Grantee on the  
deed date stated above WITNESSES THAT GRANTOR in consideration of

-----One Dollar (\$1.00)-----  
lawful money of the United States, paid by Grantee,

DOES HEREBY GRANT AND RELEASE UNTO GRANTEE and his assigns forever  
all that property located at:

THE PROPERTY IS DESCRIBED MORE FULLY IN SCHEDULE A ATTACHED

THIS GRANT IS MADE:

TOGETHER with the appurtenances and all the estate and rights of  
the Grantor in and to said premises.

TO HAVE AND TO HOLD the premises granted by this Bargain and Sale  
Deed unto the Grantee and his assigns forever.

RaR:

THARP AND JONES  
Attorneys at Law  
21 Bay Street, P.O. Box 707  
Glens Falls, New York 12801

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R. 1-17-91

EXHIBIT "A"

All that certain lot, piece or parcel of land situate in the Town of New Windsor, County of Orange, State of New York lying and being on the East side of Shaw Road, the East side of Beattie Road, both Town Roads and on the South side of New York State Route 207 and more accurately bounded and described as follows:

Beginning at the point of intersection of the East bounds of said Beattie Road with the South bounds of said New York State Route 207 and runs thence; along said South bounds of Route 207 the following 7 courses and distances:

- 1) North 82-19-48 East 96.55 feet; thence
- 2) North 77-10-34 East 178.48 feet to a found highway monument; thence
- 3) North 75-53-49 East 198.72 feet to a found highway monument; thence
- 4) North 69-07-01 East 29.63 feet to a found highway monument; thence
- 5) North 60-03-13 East 71.14 feet to a found highway monument; thence
- 6) North 67-22-49 East 112.77 feet; thence
- 7) North 65-58-42 East 143.71 feet to the bounds of lands now or formerly of McCabe (51-1-54); thence 8) along said McCabe and following a stone wall South 39-49-27 East 277.59 feet to an iron pipe found in said stone wall and the bounds of lands now or formerly of Bertone (51-1-55); thence 9) along said Bertone and lands now or formerly of Mannoni and Calizzo (51-1-54,22) and following said stone wall South 40-33-19 East 982.11 feet to the

~~LIB:29:17-216~~

SCHEDULE A-1

LIBER 3397 PAGE 178

bounds of lands now or formerly of Lange (52-1-3.22); thence 10) along said Lange and following said stone wall South 40-33-32 East 976.90 feet to the bounds of lands now or formerly of Woroschinski (52-1-2); thence 11) along said Woroschinski and following said stone wall South 40-32-03 East 660.64 feet to a 24" Oak at a corner of stone walls in the bounds of lands now or formerly of Cangelosi (52-1-44.2); thence along said Cangelosi and following said stone wall the following 6 courses and distances:

12) South 38-34-33 West 1269.87 feet to the end of said stone wall thence:

13) South 71-02-59 West 344.59 feet; thence

14) North 78-10-16 West 104.49 feet; thence

15) South 85-59-47 West 285.78 feet; thence

16) North 77-33-21 West 204.06 feet; thence

17) North 89-00-13 West 462.06 feet to the East bounds of said Shaw Road; thence 18) along said East road bounds North 30-41-39 West 49.84 feet to the bounds of lands now or formerly of Scott (52-1-45); thence 19) along said Scott South 89-23-39 East 198.47 feet to the bounds of lands now or formerly of Lucey (52-1-47); thence along said Lucey the following 3 courses and distances:

SCHEDULE A-2

LIBR 3397 PAGE 179

20) South 87-34-33 East 149.74 feet to an iron pipe found; thence

21) North 32-42-09 West 493.48 feet; thence

22) South 57-19-56 West 304.64 feet to an iron pin found in the said East bounds of Shaw Road; thence 23) along said East Road bounds North 32-50-01 West 210.73 feet; thence 24) along the same North 31-00-20 West 270.03 feet to the bounds of lands now or formerly of Moncryn ( 52-1-48); thence along said Moncryn the following 3 courses and distances:

25) North 28-06-25 East 223.44 feet; thence

26) North 50-25-37 West 195.30 feet; thence

27) South 41-29-23 West 125.02 feet to the said East bounds of Shaw Road; thence along said East Road bounds the following 3 courses and distances:

28) North 29-25-38 West 734.48 feet; thence

29) North 32-05-39 West 124.93 feet; thence

30) North 06-03-39 West 101.08 feet to the intersection of said East bounds of Shaw Road with the East bounds of said Beattie Road; thence along the said East bounds of Beattie Road the following 5 courses and distances:

31) North 25-24-48 East 80.32 feet; thence

32) North 23-20-48 East 375.61 feet; thence

33) North 20-13-40 East 310.50 feet; thence

34) North 18-12-42 East 153.92 feet; thence

35) North 21-27-49 East 415.55 feet to said point or place of beginning and containing 144.40 acres of land more or less.

CRUCIALITY "A"

~~LIB: 3397-114~~ 218

SCHEDULE A-3

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BEING the same premises conveyed to First Hudson Land Co. Inc. by the following two deeds:

1. from Evelyn L. Plotczyk, Stella F. Gessner, Edith M. Neumann, Borghild Pedersen, Mildred Breier and George Nilson dated August 20, 1987 and recorded in the Orange County Clerk's Office on October 19, 1987 in Book 2816 at Page 286; and
2. from Deborah Fabricant, as Executrix of the Last Will and Testament of Herbert J. Fabricant, deceased, dated September 11, 1987 and recorded in the Orange County Clerk's Office on October 19, 1987 in Book 2816 at Page 292.

EXCEPTING AND RESERVING THEREFROM all those certain parcels of land shown and designated as Lots Nos. 1, 3, 8, 11, 14, 15, 20 and 21 on a certain subdivision map entitled "Subdivision Plan, Liberty Meadows, Town of New Windsor, Orange County, New York" made by Silvers Engineering Associates, dated 6-6-88, last revised 8-17-89 and filed in the Orange County Clerk's Office on 8-1-89 as Map #9582.

SUBJECT also to all enforceable covenants, easements, restrictions, and reservations of record.

BEING the same premises conveyed to Evergreen Venture Capital Corp. by deed from R. Norman Peters as Trustee in Bankruptcy for First Hudson Land Co., Inc.

This conveyance has been duly authorized by the shareholders of Evergreen Venture Capital Corp. in accordance with the provisions of Section 909 of the New York Business Corporation Law.

This conveyance is subject to the following two mortgages:

1. First Hudson Land Company, Inc. to Properties of America, Inc. dated June 1, 1987 and recorded in the Orange County Clerk's Office on July 17, 1987 in Book 2743 of Mortgages at Page 186 which mortgage was assigned to The First National Bank of Glens Falls by Assignment dated June 23, 1987 and recorded in the Orange County Clerk's Office on July 17, 1987 in Book 2726 of Mortgages at Page 338.
2. Supplemental mortgage made by First Hudson Land Company, Inc. to The first National Bank of Glens Falls dated November 6, 1987 and recorded in the Orange County Clerk's office on January 14, 1988 in Book 2947 of Mortgages at Page 214.

This conveyance is made and accepted subject to an indebtedness secured by a mortgage upon said premises held by Evelyn L. Plotczyk, Stella F. Gessner, Edith M. Neumann, Borghild Pedersen, Mildred Breier, George Nilson and Deborah Fabricant, as the Executrix of the Last Will and Testament of Herbert J. Fabricant, deceased, dated October 14, 1987 and recorded in the Orange County Clerk's Office on October 19, 1987 in Book 2857 of Mortgages at Page 171, which mortgage was assigned to The

SCHEDULE A-4

LIBR 3397 PAGE 181

DEED IN LIEU OF FORECLOSURE

THIS INDENTURE

Made the 31st day of December, Nineteen Hundred and Ninety-Three

BETWEEN FIRST BENMAR, a Massachusetts Corporation authorized to do business in the State of New York having its principal place of business at 799 Main Street, Dalton, Massachusetts 01226

party of the first part, and

THE FIRST NATIONAL BANK OF GLENS FALLS, a national banking association organized and existing under the Laws of Congress with its principal place of business at 237 Glen Street, Glens Falls, NY 12801,

party of the second part,

WITNESSETH that the party of the first part, in consideration of ~~ONE~~ DOLLAR (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, its heirs and assigns forever, the premises more particularly described in Schedule "A" annexed hereto.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its heirs and assigns forever,

IN WITNESS WHEREOF, the party has hereunto set its hand and seal the day and year first above written.

IN PRESENCE OF

FIRST BENMAR

BY: Robert Benad  
Robert Benad, President

STATE OF NEW YORK )  
COUNTY OF WARREN ) ss.:

On this <sup>30th</sup> day of December, 1993, before me personally came Robert Benad, to me known, who, being by me duly sworn, did depose and say that he resides at Dalton,  
\* 799 MAIN ST.

FILE 4011

121  
120

R. 3-21-94

A - 12-30-93

SCHEDULE "A"

ALL that certain lot, piece or parcel of land, situate in the Town of New Windsor, County of Orange, State of New York, lying and being on the east side of Shaw Road, the east side of Beattie Road, both Town roads and on the south side of New York State Route 207 and more accurately bounded and described as follows:

BEGINNING at the point of intersection of the east bounds of said Beattie Road with the south bounds of said New York State Highway 207; and runs THENCE along said south bounds of Route 207, the following seven (7) courses and distances:

- (1) North 82 degrees 19 minutes 48 seconds East, 96.55 feet;
- THENCE (2) North 77 degrees 10 minutes 54 seconds East, 178.68 feet to a found highway monument;
- THENCE (3) North 75 degrees 53 minutes 49 seconds East, 198.72 feet to a found highway monument;
- THENCE (4) North 69 degrees 07 minutes 01 seconds East, 29.85 feet to a found highway monument;
- THENCE (5) North 68 degrees 03 minutes 13 seconds East, 71.14 feet to a found highway monument;
- THENCE (6) North 67 degrees 22 minutes 49 seconds East, 112.77 feet;
- THENCE (7) North 65 degrees 58 minutes 42 seconds East, 145.71 feet to the bounds of lands now or formerly of McCabe (51-1-56);
- THENCE (8) along said McCabe and following a stone wall, South 39 degrees 49 minutes 27 seconds East, 277.59 feet to an iron pipe found in said stone wall and the bounds of lands now or formerly of Bertone (51-1-55);
- THENCE (9) along said Bertone and lands now or formerly of Mannoni and Calzo (51-1-54.22) and following said stone wall, South 40 degrees 33 minutes 19 seconds East, 982.11 feet to the bounds of lands now or formerly of Lange (52-1-3.22);
- THENCE (10) along said Lange and following said stone wall, South 40 degrees 33 minutes 32 seconds East, 978.90 feet to the bounds of lands now or formerly of Woroschinski (52-1-2);

THENCE (11) along said Woroschinski and following said stone wall, South 40 degrees 32 minutes 03 seconds East, 660.64 feet to a 24 inch oak at a corner of stone walls in the bounds of lands now or formerly of Cangelosi (52-1-44.2);

THENCE along said Cangelosi and following said stone wall the following six (6) courses and distances:

(12) South 38 degrees 34 minutes 33 seconds West, 1269.87 feet to the end of said stone wall;

THENCE (13) South 71 degrees 02 minutes 59 seconds West, 344.59 feet;

THENCE (14) South 78 degrees 10 minutes 16 seconds West, 104.49 feet;

THENCE (15) South 85 degrees 59 minutes 47 seconds West, 285.78 feet;

THENCE (16) North 77 degrees 33 minutes 21 seconds West, 204.06 feet;

THENCE (17) North 89 degrees 00 minutes 13 seconds West, 462.86 feet to the east bounds of said Shaw Road;

THENCE (18) along said east road bounds, North 30 degrees 41 minutes 39 seconds West, 49.84 feet to the bounds of lands now or formerly of Scott (52-1-45);

THENCE (19) along said Scott, South 89 degrees 23 minutes 39 seconds East, 198.47 feet to the bounds of lands now or formerly of Lucey (52-1-47);

THENCE along said Lucey the following three (3) courses and distances:

(20) South 89 degrees 56 minutes 55 seconds East, 169.74 feet to an iron pipe found;

THENCE (21) North 32 degrees 42 minutes 09 seconds West, 493.48 feet;

THENCE (22) South 57 degrees 19 minutes 56 seconds West, 304.66 feet to an iron pin found in the said east bounds of Shaw Road;

THENCE (23) along said east road bounds, North 32 degrees 50 minutes 01 seconds West, 210.73 feet;

THENCE (24) along the same North 31 degrees 00 minutes 20 seconds West, 270.03 feet to the bounds of lands now or formerly of Monczyn (52-1-48);

THENCE along said Monczyn the following three (3) courses and distances:

(25) North 28 degrees 08 minutes 25 seconds East, 223.44 feet;

THENCE (26) North 50 degrees 25 minutes 37 seconds West, 195.30 feet;

THENCE (27) South 41 degrees 29 minutes 23 seconds West, 125.02 feet to the said east bounds of Shaw Road;

THENCE along said east road bounds, the following three (3) courses and distances:

(28) North 29 degrees 25 minutes 38 seconds West, 734.48 feet;

THENCE (29) North 32 degrees 05 minutes 39 seconds West, 124.93 feet;

THENCE (30) North 6 degrees 03 minutes 39 seconds West, 101.08 feet to the intersection of said east bounds of Shaw Road with the east bounds of said Beattie Road;

THENCE along the said east bounds of Beattie Road, the following (3) courses and distances:

(31) North 25 degrees 24 minutes 48 seconds East, 80.32 feet;

THENCE (32) North (23 degrees 20 minutes 48 seconds East, 375.61 feet;

THENCE (33) North 20 degrees 13 minutes 40 seconds East, 310.50 feet;

THENCE (34) North 18 degrees 12 minutes 42 seconds East, 153.92 feet;

THENCE (35) North 21 degrees 27 minutes 49 seconds East, 415.55 feet to said point or place of BEGINNING.

EXCEPTING AND RESERVING THEREFROM all those certain parcels of land shown and designated as Lots Nos. 1, 3, 8, 11, 14, 15, 20 and 21 on a certain subdivision map entitled "Subdivision Plan, Liberty Meadows, Town of New Windsor, Orange County, New York" made by Silvers Engineering Associates, dated 6/6/88, last revised 5/17/89 and filed in the Orange County Clerk's Office on 8/1/89 as Map No. 9582. and all other lots previously conveyed by the party of the first part.

Intending to convey lots #6, 17, 18 and 22 as shown on the aforesaid subdivision plan.

THIS deed is an absolute conveyance of title in effect as well as form and is not intended as a mortgage, trust conveyance or security of any kind. The consideration therefore is more particularly described in a certain Deed in Lieu of Foreclosure Agreement dated the same date as this deed and executed by the party of the first part and party of the second part and releases the party of the first part from all obligations under a certain mortgage dated January 15, 1991 and recorded January 17, 1991 in Book 3914 of Mortgages at Page 249 in the Delaware County Clerk's Office. This conveyance is given in lieu of foreclosure of said mortgage and that consideration for the release of the party of the first part from any obligations under said mortgage, note and bond secured thereby but despite the release of the party of the first part from any obligations under said note, bond and mortgage, the lien of the mortgage will survive the conveyance, not merge and continue to be a lien on the property described herein.

Control No.: 143.00  
REL No.: 95  
WAMCO Loan No.:  
Asset Name: Route 207, Lot 22  
Property Location: Orange County, New York

RECORD AND RETURN TO:  
SOWAMCO XXI, Ltd.  
c/o J-Hawk Corporation  
P.O. Box 8216  
Waco, Texas 76714-8216  
Attn: LeeAnne Ostrander  
Credit Administration  
1-800-247-4274

**BARGAIN AND SALE DEED**

**THIS INDENTURE,**

MADE this 27th day of September, 1995 between EVERGREEN BANK, N.A., successor by merger to The First National Bank of Glens Falls, a national banking association with offices at 237 Glen Street, Glen Falls, New York 12801 (the "Party of the First Part"),

and SOWAMCO XXI, LTD., a Texas limited partnership with offices at P.O. Box 8216, Waco, Texas 76714-8216 (the "Party of the Second Part"):

WITNESSETH that the Party of the First Part, in consideration of Ten Dollars (\$10.00) lawful money of the United States and other good and valuable consideration paid by the Party of the Second Part, does hereby grant and release unto the Party of the Second Part, its heirs, distributees, successors and assigns forever,

ALL that tract or parcel of land, together with the buildings and improvements thereon, being more particularly described at Schedule A attached hereto and made a part hereof.

THIS conveyance does not constitute a transfer of all or substantially all of the assets of the Party of the First Part, and is made in the regular course of business actually conducted by the corporation and does not require the consent of shareholders.

TOGETHER with all right, title and interest, if any, of the Party of the First Part in and to any streets and roads abutting the described premises to the center lines thereof;

D1/163529.1  
041230/0063

LINE 4347 PAGE

18  
17

R 2-27-96

A - 9-27-95.

Control No.: 143.00  
WAMCO No.:  
Asset Name: Route 207, Lot 22  
Property Location: Orange County, New York

### EXHIBIT A

#### PROPERTY DESCRIPTION

ALL that certain lot, piece or parcel of land; situate in the Town of New Windsor, County of Orange, State of New York, lying and being on the east side of Shaw Road, the east side of Beattie Road, both Town roads and on the south side of New York State Route 207 and more accurately bounded and described as follows:

BEGINNING at the point of intersection of the east bounds of said Beattie Road with the south bounds of said New York State Highway 207; and runs THENCE along said south bounds of Route 207, the following seven (7) courses and distances:

(1) North 82 degrees 19 minutes 48 seconds East, 96.55 feet;

THENCE (2) North 77 degrees 10 minutes 54 seconds East, 178.68 feet to a found highway monument;

THENCE (3) North 75 degrees 53 minutes 49 seconds East, 198.72 feet to a found highway monument;

THENCE (4) North 69 degrees 07 minutes 01 seconds East, 29.85 feet to a found highway monument;

THENCE (5) North 68 degrees 03 minutes 13 seconds East, 71.14 feet to a found highway monument;

THENCE (6) North 67 degrees 22 minutes 49 seconds East, 112.77 feet;

THENCE (7) North 65 degrees 58 minutes 42 seconds East, 145.71 feet to the bounds of lands now or formerly of McCabe (51-1-56);

THENCE (8) along said McCabe and following a stone wall, South 39 degrees 49 minutes 27 seconds East, 277.59 feet to an iron pipe found in said stone wall and the bounds of lands now or formerly of Bertone (51-1-55);

THENCE (9) along said Bertone and lands now or formerly of Mannoni and Calzzo (51-1-54.22) and following said stone wall, South 40 degrees 33 minutes 19 seconds East, 982.11 feet to the bounds of lands now or formerly of Lange (52-1-3.22);

THENCE (10) along said Lange and following said stone wall, South 40 degrees 33 minutes 32 seconds East, 978.90 feet to the bounds of lands now or formerly of Woroschinski (52-1-2);

THENCE (11) along said Woroschinski and following said stone wall, South 40 degrees 32 minutes 03 seconds East, 660.64 feet to a 24 inch oat at a corner of stone walls in the bounds of lands now or formerly of Cangelosi (52-1-44.2);

THENCE along said Cangelosi and following said stone wall the following six (6) courses and distances:

(12) South 38 degrees 34 minutes 33 seconds West, 1269.87 feet to the end of said stone wall;

THENCE (13) South 71 degrees 02 minutes 59 seconds West, 344.59 feet;

THENCE (14) South 78 degrees 10 minutes 16 seconds West, 104.49 feet;

THENCE (15) South 85 degrees 59 minutes 47 seconds West, 285.78 feet;

THENCE (16) North 77 degrees 33 minutes 21 seconds West, 204.06 feet;

THENCE (17) North 89 degrees 00 minutes 13 seconds West, 462.86 feet to the east bounds of said Shaw Road;

THENCE (18) along said east road bounds, North 30 degrees 41 minutes 39 seconds West, 49.84 feet to the bounds of lands now or formerly of Scott (52-1-45);

THENCE (19) along said Scott, South 89 degrees 23 minutes 39 seconds East, 198.47 feet to the bounds of lands now or formerly of Lucey (52-1-47);

THENCE along said Lucey the following three (3) courses and distances:

(20) South 89 degrees 56 minutes 55 seconds East, 169.74 feet to an iron pipe found;

THENCE (21) North 32 degrees 42 minutes 09 seconds West, 493.48 feet;

THENCE (22) South 57 degrees 19 minutes 56 seconds West, 304.66 feet to an iron pin found in the said east bounds of Shaw Road;

THENCE (23) along said east road bounds, North 32 degrees 50 minutes 01 seconds West, 210.73 feet;

THENCE (24) along the same North 31 degrees 00 minutes 20 seconds West, 270.03 feet to the bounds of lands now or formerly of Monczyn (52-1-48);

THENCE along said Monczyn the following three (3) courses and distances:

(25) North 28 degrees 08 minutes 25 seconds East, 223.44 feet;



Control No.: 143.00  
WAMCO No.:  
Asset Name: Route 207, Lot 22  
Property Location: Orange County, New York

## EXHIBIT A

### PROPERTY DESCRIPTION

THENCE (26) North 50 degrees 25 minutes 37 seconds West, 195.30 feet;  
THENCE (27) South 41 degrees 29 minutes 23 seconds West, 125.02 feet to the said east bounds of Shaw Road;  
THENCE along said east road bounds, the following three (3) courses and distances:  
(28) North 29 degrees 25 minutes 38 seconds West, 734.48 feet;  
THENCE (29) North 32 degrees 05 minutes 39 seconds West, 124.93 feet;  
THENCE (30) North 6 degrees 03 minutes 39 seconds West, 101.08 feet to the intersection of said east bounds of Shaw Road with the east bounds of said Beattie Road;  
THENCE along the said east bounds of Beattie Road, the following (3) courses and distances:  
(31) North 25 degrees 24 minutes 48 seconds East, 80.32 feet;  
THENCE (32) North 23 degrees 20 minutes 48 seconds East, 375.61 feet;  
THENCE (33) North 20 degrees 13 minutes 40 seconds East, 310.50 feet;  
THENCE (34) North 18 degrees 12 minutes 42 seconds East, 153.92 feet;  
THENCE (35) North 21 degrees 27 minutes 49 seconds East, 415.55 feet to said point or place of BEGINNING.

EXCEPTING AND RESERVING THEREFROM all those certain parcels of land shown and designated as Lots Nos. ~~5, 6, 8, 11, 14, 15, 17, 18~~ 20 and 21 on a certain subdivision map entitled "Subdivision Plan, Liberty Meadows, Town of New Windsor, Orange County, New York" made by Silvers Engineering Associates, dated 6/6/88, last revised 5/17/89 and filed in the Orange County Clerk's Office on 8/1/89 as Map No. 9582. and all other lots previously conveyed by the party of the first part.

Intending to convey lot <sup>#</sup>22 as shown on the aforesaid subdivision plan.

Control No.: 143.00  
REL No.: 95  
WAMCO Loan No.:  
Asset Name: Route 207, Lot 22  
Property Location: Orange County, New York

## EXHIBIT A

### PROPERTY DESCRIPTION

Being a portion of the property conveyed by First Benmar to The First National Bank of Glens Falls by Deed in Lieu of Foreclosure dated December 31, 1993 and recorded in the Orange County Clerk's Office on March 21, 1994 in Book 4011 of Deeds at Page 120.

It is understood that the estate hereby conveyed shall remain separate and distinct and shall not merge with the estate created by that certain Mortgage dated January 15, 1991 executed by First Benmar in favor of The First National Bank of Glens Falls and recorded in the Orange County Clerk's Office on January 17, 1991 in Book 3914 of Mortgages at Page 249, which Mortgage was conveyed by Party of the First Part to Party of the Second Part by Assignment of Loan dated effective as of September 27, 1995 and recorded concurrently with this Deed in the Orange County Clerk's Office. Said Mortgage shall survive this conveyance, shall not merge with the fee conveyed by this Deed and shall continue to be a lien on the premises conveyed by this Deed.

After recording, return to  
J-Hawk Corporation  
P.O. Box 1115  
Waco, Texas 76714  
Attn: Credit Administration  
Lee Anne G. [unclear]  
1-800-247-4224

K961104

wp:136335

Bargain & sale deed, with covenant against grantor's acts - Ind. or Corp.

THIS INDENTURE, made the <sup>29<sup>th</sup></sup> day of March, nineteen hundred and ninety-six

BETWEEN

SOWAMCO XXI, Ltd., a Texas Limited Partnership having offices for the transaction of business at 6400 Imperial Drive, Waco, Texas 76712 party of the first part, and

William F. Timmons and Patricia M. Timmons, husband and wife, residing at P.O. Box 86 Salisbury Mills, New York 12557, party of the second part,

WITNESSETH, that the party of the first part, in consideration Ten and 00/100 (\$10.00) dollars, lawful money of the United States and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being further bounded and described on Schedule A attached hereto and made a part hereof.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

SOWAMCO XXI, LTD.  
By SOWAMCO XXI OF TEXAS, INC., General Partner  
by Jon B. Wilson  
Jon B. Wilson, Vice President

KAR-VIN ABSTRACT CORP.  
273 Champlain Avenue  
New Windsor, N.Y. 12553  
(914) 362-2622 FAX (914) 362-6737

18174363 PAGE 338  
337

R. H-3-94

A-3-28-94

### SCHEDULE A

ALL that certain lot, piece or parcel of land, situate, lying and being in the Town of New Windsor, in the County of Orange and State of New York, is bounded and described as follows:

KNOWN and designated as Lot 22 on a certain map entitled "Subdivision Plan, Liberty Meadows, Town of New Windsor, Orange County, New York", prepared by Silvers Engineering Associates, dated 6/6/88 and last revised 5/17/89, and filed in the Orange County Clerk's Office on 8/1/89, as Filed Map #9582.

Being the same premises conveyed in a certain deed dated September 27, 1995 by Evergreen Bank, N.A. to Sowanco XXI, Ltd, a Texas Limited Partnership, recorded in the office of the Orange County Clerk in Liber 4347 of deeds at page 17 on February 27, 1996.

LIB 4363 PAGE 340

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 14th day of February 1920  
BETWEEN PATRICIA M. TIMMONS, presently residing at  
#55 Gardiner Avenue, Middletown, Orange County, New  
York 10940

party of the first part, and

WILLIAM TIMMONS, presently residing at #147 Renwick  
Street, Newburgh, Orange County, New York 12550

party of the second part:

WITNESSETH, that the party of the first part, in consideration of  
\*\*\*\*\* (TEN AND 00/100) \*\*\*\*\* (\$10.00) \*\*dollars, paid by the party of the second  
part does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the  
party of the second part, forever,

XXX

#1813 Little Britain Road  
Town of New Windsor  
County of Orange  
State of New York  
( 52 - 1 - 99 )

SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF.  
(One Page)

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,  
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and  
assigns forever. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.  
This deed is subject to the trust provisions of Section 13 of the Lien Law.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

*Patricia M. Timmons*  
Patricia M. Timmons I.S.  
I.S.

SEE ACKNOWLEDGEMENT ATTACHED HERETO.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before  
me personally came  
who, being by me duly sworn, did depose and say that deponent resides  
at No. \_\_\_\_\_  
deponent is \_\_\_\_\_ of \_\_\_\_\_  
the corporation described in and which

executed the foregoing instrument; deponent knows the seal of said  
corporation; that the seal affixed to said instrument is such corporate  
seal; that it was executed by order of the Board of Directors of said  
corporation; deponent signed deponent's name thereto by the order

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before  
me personally came \_\_\_\_\_ I.S.

to me known to be the individual described in, and who executed  
the foregoing instrument, and acknowledged that he executed  
the same.

LIBER 5249 PAGE 247  
246

R. 2-25-00  
A. 2-14-00

**SCHEDULE A**

#1813 Little Britain Road  
Town of New Windsor, Orange County, New York  
( 52 - 1 - 99 )

ALL that certain lot, piece or parcel of land, situate, lying and being in the Town of New Windsor, in the County of Orange and State of New York, is bounded and described as follows:

KNOWN and designated as Lot 22 on a certain map entitled "Subdivision Plan, Liberty Meadows, Town of New Windsor, Orange County, New York", prepared by Silvers Engineering Associates, dated 6/6/88 and last revised 5/17/89, and filed in the Orange County Clerk's Office on 8/1/89, as Filed Map #9582.

Being the same premises conveyed in a certain deed dated September 27, 1995 by Evergreen Bank, N.A. to Sowamco XXI, Ltd, a Texas Limited Partnership, recorded in the office of the Orange County Clerk in Liber 4347 of deeds at page 17 on February 27, 1996.

ALSO BEING AND INTENDED TO BE the same premises as described in that certain Deed dated the 29th day of March, 1996, running from SOWAMCO XXI, Ltd., a Texas Limited Partnership, to William F. Timmons and Patricia M. Timmons, husband and wife, which Deed was thereafter recorded in the Orange County Clerk's Office on the 3rd day of April, 1996, in Liber 4363 of Deeds at Page 337.

GAC 3860  
ORANGE

Bargain & Sale Deed with Covenant against Grantor.

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 21st day of December, 2000.

BETWEEN WILLIAM TIMMONS, residing at 81 Ann Street, Newburgh, NY 12550

grantor

DENNIS A. BUTLER, residing at 21 Burnett Way, Washingtonville, NY 10992

grantee

WITNESSETH, that the grantor, in consideration of TEN AND 00/100 (\$10.00) Dollars, paid by the grantee hereby grants and releases unto the grantee, the heirs or successor and assigns of the grantee forever.

ALL

(52-1-99)  
1813 Little Britain Road  
Town of New Windsor, County of Orange  
State of New York

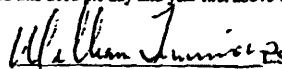
SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART THEREOF.

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises. TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever. AND the said grantor covenants that the grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever. This deed is subject to the trust provisions of Section 13 of the Lien Law.

The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

IN WITNESS WHEREOF, the grantor has executed this deed the day and year first above written.

In presence of:

  
WILLIAM TIMMONS

LS.

LIBER 5437 PAGE ~~79~~  
78

R. 1-5-01

A. 12-21-00

**SCHEDULE "A"**

All that certain lot, piece or parcel of land, situate, lying and being in the Town of New Windsor, in the County of Orange and State of New York, is bounded and described as follows:

KNOWN and designated as Lot 22 on a certain map entitled "Subdivision Plan, Liberty Meadows, Town of New Windsor, Orange County, New York", prepared by Silvers Engineering Associates, dated 6/6/88 and last revised 5/17/89, and filed in the Orange County Clerk's Office on 8/1/89, as Filed Map #9582.

BEING and intended to be the same premises as described in that certain Deed dated the 29<sup>th</sup> day of March, 1996, running from SOWAMCO XXI, Ltd., a Texas Limited Partnership, to William F. Timmons and Patricia M. Timmons, husband and wife, which Deed was thereafter recorded in the Orange County Clerk's Office on the 3<sup>rd</sup> day of April, 1996, in Liber 4363 of Deeds at Page 337.

ALSO BEING and intended to be the same premises as described in that certain Deed dated the 14<sup>th</sup> day of February, 2000, running from Patricia M. Timmons to William Timmons, which Deed was thereafter recorded in the Orange County Clerk's Office on February 25, 2000 in Liber 5249 of Deeds at Page 246.



1

WINDY P.E.  
NOW IS 25  
10 & 17 HIS SIDE


EXISTING TIE FIELD

PAVEMENT  
LAUDS U/P  
A. DUNN  
51-1-68

1. 5-17-89 AREAS IDENTIFIED
  2. 5-11-89 REV PER A.C.H.D. REVIEW LETTER OF 5-9-89
  3. 7-11-89 REVISION AS PER TOWN ENGINEER'S LETTER OF 1-25-89
  4. 10-16-89 REVISION FOR HEALTH DEPARTMENT SUBMISSION
- NO. 101
- SUBDIVISION**
- REVISION

**SILVERS ENGINEERING ASSOCIATES**  
CONSULTING ENGINEERS  
SUITE A 26 NORTH ST MIDDLETOWN, N.Y. 10940

**SE**

	<b>SUBDIVISION PLAN</b> <b>LIBERTY MEADOWS</b> <b>TOWN OF NEW WINDSOR</b> <b>ORANGE COUNTY, NY</b> <b>APPLICANT:</b> <b>FIRST HUDSON LAND COMPANY, INC.</b> <b>100 EAST MAIN STREET</b> <b>MIDDLETOWN, NEW YORK 10940</b>	<b>DRAWN BY</b> C.E. C	<b>REFERENCE NO</b> 8688
		<b>SCALE</b> 1" = 50'	<b>LATEST REVISION</b> 5-17-89
		<b>DATE</b> 6-6-85	<b>SHEET NO.</b> 1
		<b>CHECKED BY</b> /	<b>OF</b> 6

N/F OWNER OF RECORD

FIRST HUDSON LAND COMPANY, INC.  
SUITE 1A  
660 EAST MAIN STREET  
MIDDLETOWN, NEW YORK 10940

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO:

FIRST HUDSON LAND COMPANY, INC.  
FIRST NATIONAL BANK OF GLENS FALL,  
ITS SUCCESSORS AND OR ASSIGNS  
NATIONAL ATTORNEYS TITLE INSURANCE COMPANY  
FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK  
TOWN OF NEW WINDSOR  
THAT THIS MAP SHOWS THE RESULT OF  
ACTUAL BOUNDARY AND TOPOGRAPHIC  
SURVEYS COMPLETED IN THE FIELD ON  
JANUARY AND NOVEMBER 1986 RESPECTIVELY

*Edw D. Silvers*  
EDWIN D. SILVERS  
N.Y.S.L.S. NO. 049359

7-25-88

DATE

MIN. 20' WIDE EASEMENT  
FOR SWALE AS REQUIRED.  
DRAINAGE EASEMENT THROUGH  
LOTS NO. 4, 6 AND 7 IS A PRIVATE  
EASEMENT, AND SHALL NOT BE  
ALTERED, AND SHALL BE MAINTAINED  
CLEAR BY THE OWNERS OF THESE  
LOTS. SUCH NOTE SHALL BE ALLEGED  
TO THE DEEDS IF REQUIRED.

APPROVED FOR FILING

OWNER

DATE

APPROVED AS A PRELIMINARY PLAT BY THE TOWN PLANNING BOARD OF  
TOWN OF NEW WINDSOR ON:

CHAIRPERSON, PLANNING BOARD

DATE

APPROVED AS A FINAL PLAT BY A RESOLUTION OF THE TOWN PLANNING  
OF THE TOWN OF NEW WINDSOR ON:

*Carol L. Loefer*  
CHAIRPERSON, PLANNING BOARD

7-28-88  
DATE

TOWN CLERK

DATE

WIDTH OF EXISTING  
R.O.W. IS 25 FT. 1  
TO & (THIS SIDE

UPGRADE EXISTING CURB  
AS REQUIRED BY TOWN OF

TEMPORARY PAVED CUL-DE-SAC  
IN TEMPORARY ACCESS EASEMENT  
ON REMAINDER

D-3

819.89'

50'

"SCHWARTZ LANE" CONNECTION CONDITIONS

The applicant agrees to reserve a 50 foot wide strip along a proposed future lot line location, and/or within a proposed roadway extension R-O-W reservation, to allow others to construct at their own cost, liability, and risk, a new roadway suitable to the Town of New Windsor and adequate for providing vehicular and/or utility access to the existing built-upon parcels along "Schwartz Lane", and further to provide the same vehicular and/or utility access to any existing vacant parcels along "Schwartz Lane".

If the applicant and/or his assignees, with the consent of the Planning Board, chooses to modify the development of Section 11 of this subdivision, the 50 foot wide strip to connect "Schwartz Lane" shall subsequently be similarly modified. Further the applicant reserves, to himself and to his assignees, the right to utilize said new roadway, if built by others, as the vehicular and/or utility access to future residential home sites within this original overall parcel, subject to future Planning Board approvals thereof, with no time limit applicable thereto.

Map# 9582  
filed on August 1, 1989  
by Sue Caswell  
Recording & Index Clerk  
(Sheet 1 of 6)

\* for Declaration filed see DB 3579, pg. 34, filed 3/25/92.

**GENERAL NOTES**

1. Surveyor : Edwin D. Silvers, N.Y.S. L.S. No. 049359.
2. Engineer : Edwin D. Silvers, N.Y.S. P.E. No. 40060.
3. Sewer : Individual septic systems.
4. Water : Individual wells.
5. Boundry information based on a field survey by Silvers Engineering Associates on Jan. 28, 1987.
6. Topography from field survey by Silvers Engineering Associates on May 1987.
7. No further subdivision of any of the new building lots shall be permitted or allowed in accordance with deed restrictions and zoning ordinances, except LOTS NO. 6 AND 14.
8. Property deed is Liber 1744, Page 160 & L 1894, P 696.
9. All utilities shall be underground.
10. LOTS # 6 & 14 shall be eligible for further subdivision; not to exceed 30 added lots.
11. There are no designated wetlands on this parcel, per N.Y.S./D.E.C. mapping.
12. There are no designated flood plain area on this parcel, per U.S./F.E.M.A. mapping.
13. Any further subdivison of the remainder will require additional roadway construction.
14. Driveway access for lots 11 will be limited to proposed Town road only.
15. Each new driveway shall provide for a turning around area within the lot.
16. No street lighting is proposed.
17. Topo on much of the remainder +/-76 acres only is taken from U.S.G.S. Map.
18. Central water and sewage disposal facilities shall be installed to service all lots, existing and proposed in the event that more than 49 lots are created and/or offered for sale in the Liberty Meadows Subdivision. The condition shall run with the land, and shall be binding upon the heirs, assigns, and successor in interest of the applicant.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/30/2002

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 1-25

NAME: BUTLER, DENNIS SUBDIVISION PA 2001-0049

APPLICANT: BUTLER, DENNIS

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
09/26/2002	PLANS STAMPED	APPROVED
03/27/2002	P.B. APPEARANCE	APPROVE COND . NEED LETTER FROM FIRE INSPECTOR REGARDING CUL-DE-SAC. . ADDRESS MARK'S COMMENTS - NEED NOTE ON PLAN REGARDING LOT #1 . ACCESS TO RT. 207. APPLICANT GAVE MAINTENANCE AGREEMENT TO . ANDY KRIEGER AT MEETING. . AS OF 6/6/02 BOB RODGERS SIGNED OFF ON CUL-DE-SAC AS OK.
02/13/2002	P.B. APPEARANCE	ND:RETURN . ADDRESS MARK'S COMMENTS OF 2/13/02 - SEND TO D.O.T. - NEED . WAIVER FROM FIRE INSPECTOR FOR CUL-DE-SAC RADIUS FROM 100' T . TO 80' - NEED PRIVATE ROAD MAINTENANCE AGREEMENT
09/26/2001	CONTINUED PUBLIC HEARING	CLOSED PH . NEED TOPO AND DIRECTION OF RUNOFF ON ROAD - KRIEGER REVIEWED . DOCUMENTS FOR DEED RESTRICTIONS AND FOUND THAT THE PUBLIC . HEARING CAN CONTINUE AND THIS PROPERTY IS NOT INCLUDED IN . THE DEED RESTRICTIONS - MARK TO REVIEW DRAINAGE AND WETLANDS . REMOVE LEACH FIELD FROM R-O-W. LOCATE CULVERT ON 207 ON THE . MAP AND DIRECTION OF FLOW - BOARD MEMBERS TO VISIT THE SITE . AT THEIR CONVENIENCE - BACK ON AGENDA IN OCTOBER.
06/27/2001	P.B. APPEARANCE -PUB HEARING	TABLED
02/28/2001	P.B. APPEARANCE	TO RETURN . MH&E TO WITNESS PERK TESTS - ADDRESS MARK'S COMMENTS - NEED . NEW PLAN TO SEND WITH LA COORD. LETTER AND TO SCHED PH
02/07/2001	WORK SHOP APPEARANCE	SUBMIT

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/30/2002

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 1-25

NAME: BUTLER, DENNIS SUBDIVISION

APPLICANT: BUTLER, DENNIS

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	02/05/2002	MUNICIPAL FIRE . ON SHEET 1, THE ROADWAY NAME IS REFERRED TO AS BUTLER ROAD . AND ON SHEET 2 IT IS REFERRED TO AS BUTLER LANE. MR. BUTLER . INDICATED IT SHOULD BE BUTLER LANE - PLEASE CHANGE . ACCORDINGLY.	02/06/2002	APPROVED
REV1	06/19/2001	MUNICIPAL HIGHWAY	06/25/2001	N/A
REV1	06/19/2001	MUNICIPAL WATER	06/20/2001	APPROVED
REV1	06/19/2001	MUNICIPAL SEWER	/ /	
REV1	06/19/2001	MUNICIPAL FIRE	06/20/2001	APPROVED
REV1	06/19/2001	NYS DOT	/ /	
ORIG	02/23/2001	MUNICIPAL HIGHWAY	06/19/2001	SUPERSEDED BY REV1
ORIG	02/23/2001	MUNICIPAL WATER	02/27/2001	APPROVED
ORIG	02/23/2001	MUNICIPAL SEWER	06/19/2001	SUPERSEDED BY REV1
ORIG	02/23/2001	MUNICIPAL FIRE . CONTACT FIRE INSPECTOR WITH A STREET NAME FOR THE ROADWAY.	02/26/2001	APPROVED
ORIG	02/23/2001	NYS DOT	06/19/2001	SUPERSEDED BY REV1

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/30/2002

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 1-25

NAME: BUTLER, DENNIS SUBDIVISION

APPLICANT: BUTLER, DENNIS

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	02/23/2001	EAF SUBMITTED	02/23/2001	WITH APPLIC
ORIG	02/23/2001	CIRCULATE TO INVOLVED AGENCIES	02/28/2001	AUTH LETTR
ORIG	02/23/2001	LEAD AGENCY DECLARED	/ /	
ORIG	02/23/2001	DECLARATION (POS/NEG)	02/13/2002	DECL NEG DEC
ORIG	02/23/2001	SCHEDULE PUBLIC HEARING	02/28/2001	SCHED PH
ORIG	02/23/2001	PUBLIC HEARING HELD	09/26/01	CLOSED PH
		. BRIAN HAMMER - 682 BEATTIE ROAD - PRESENTED THE BOARD WITH A		
		. RESTRICTIVE COVENANT FOR FURTHER SUBDIVISION OF THIS LOT.		
		. PUBLIC HEARING WAS TABLED UNTIL THIS COULD BE INVESTIGATED		
		. BY THE APPLICANT'S REPRESENTATIVES. NOTIFY BRIAN HAMMER		
		. 496-5465 WHEN PUBLIC HEARING IS TO BE CONTINUED.		
		. PUBLIC HEARING CONTINUED ON 9-26-01 - CLOSED PUBLIC HEARING		
ORIG	02/23/2001	WAIVE PUBLIC HEARING	/ /	
ORIG	02/23/2001	AGRICULTURAL NOTICES	/ /	
ORIG	02/23/2001	BUILDING DEPT REFER NUMBER	/ /	

Organized 1919



Walden Federal

**IRREVOCABLE STANDBY LETTER OF CREDIT**

Letter of Credit # 2002-06

Date: September 16, 2002

To: Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

Applicant: Dennis Butler  
Amount: \$37,525.00  
Expiration: September 16, 2003

To the Town Board of the Town of New Windsor:

We hereby issue an Irrevocable Standby Letter of Credit Number 2002-06 in your favor for the account of Dennis Butler in an amount not to exceed Thirty Seven Thousand Five Hundred Twenty Five and 00/100 (U.S. \$37,525.00) Dollars available by your drafts at sight on us accompanied by:

- This original Letter of Credit
- Your written, signed, sworn and notarized statement signed by the Town Supervisor, Deputy Town Supervisor or Town Clerk stating that Dennis Butler is in default of the completion of the road and/or public improvements at the Subdivision known as Dennis Butler Subdivision, as approved by the Town of New Windsor Planning Board.

Drafts must be negotiated no later than the expiration date shown above, and must state "DRAWN UNDER WALDEN FEDERAL SAVINGS AND LOAN ASSOCIATION LETTER OF CREDIT #2002-06"

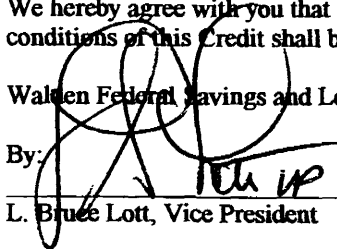
This Letter of Credit may be drawn against one time only.

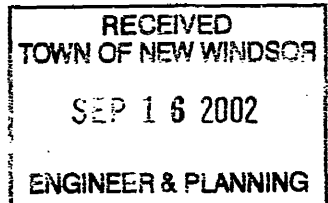
This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (1994 Revision), the International Chamber of Commerce Brochure No. 500.

We hereby agree with you that drafts drawn under and in compliance with the terms and conditions of this Credit shall be duly honored upon due presentation at our office.

Walden Federal Savings and Loan Association

By:

  
L. Bruce Lott, Vice President



12 Main Street • Walden, New York 12586 • 845 / 778-2171 • FAX 845 / 778-3125  
201 Ward Street • Montgomery, New York 12549 • 845 / 457-5101 • FAX 845 / 457-5119  
288 Larkin Drive • Monroe, New York 10950 • 845 / 782-2949 • FAX 845 / 782-2943  
Email: bank@waldenfederal.com • Web address: www.waldenfederal.com

MEMBER  
FDIC



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/05/2002

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**ESCROW**

FOR PROJECT NUMBER: 1-25  
NAME: BUTLER, DENNIS SUBDIVISION  
APPLICANT: BUTLER, DENNIS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
02/23/2001	REC. CK. #614	PAID		600.00	
02/28/2001	P.B. ATTY. FEE	CHG	35.00		
02/28/2001	P.B. MINUTES	CHG	22.50		
06/27/2001	P.B. ATTY. FEE	CHG	35.00		
06/27/2001	P.B. MINUTES	CHG	31.50		
08/22/2001	P.B. MINUTES	CHG	9.00		
09/26/2001	P.B. ATTY. FEE	CHG	35.00		
09/26/2001	P.B. MINUTES	CHG	130.50		
02/13/2002	P.B. ATTY. FEE	CHG	35.00		
02/13/2002	P.B. MINUTES	CHG	18.00		
03/27/2002	P.B. ATTY. FEE	CHG	35.00		
03/27/2002	P.B. MINUTES	CHG	13.50		
06/06/2002	P.B. ENGINEER FEE	CHG	1269.60		
09/04/2002	REC. CK. #1373	PAID		1069.60	
		TOTAL:	1669.60	1669.60	0.00

*[Handwritten Signature]*  
9/5/02

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#788-2002**

**09/05/2002**

*#01-75 Approval Fee*

Butler, Dennis  
21 Burnett Way  
Washingtonville, NY 10992

Received \$ 270.00 for Planning Board Fees on 09/05/2002. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/05/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES  
RECREATION

FOR PROJECT NUMBER: 1-25  
NAME: BUTLER, DENNIS SUBDIVISION  
APPLICANT: BUTLER, DENNIS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/06/2002	3 LOT RECREATION FEE	CHG	4500.00		
09/04/2002	REC. CK. #1372	PAID		4500.00	
		TOTAL:	4500.00	4500.00	0.00

*[Handwritten signature]*  
9/5/02

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/05/2002

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**4% FEE**

FOR PROJECT NUMBER: 1-25

NAME: BUTLER, DENNIS SUBDIVISION

APPLICANT: BUTLER, DENNIS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/06/2002	2% OF 37,525.00 COST EST	CHG	750.50		
09/05/2002	REC. CK. #1375	PAID		750.50	
		TOTAL:	750.50	750.50	0.00

*J Per*  
*9/5/02*



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

September 3, 2002

Mr. Dennis Butler  
21 Burnett Way  
Washingtonville, NY 10992

SUBJECT: TOWN OF NEW WINDSOR TAX MAP #52-1-99  
SUBDIVISION OF LANDS OF BUTLER  
RT. 207 - PLANNING BOARD #01-25

Dear Mr. Butler:

To my knowledge, the following are the outstanding items needed to have your subdivision plans signed approved and released to you for filing with the County Clerk's Office:

1. Payment of fees due (please see breakdown attached):

Check #1 – Charges over the escrow account posted.....	\$ <sup>1069.60</sup> <del>600.00</del>
Check #2 – Recreation fee due on three lots \$1,500.00 ea.....	\$ <del>4,500.00</del>
Check #3 – Subdivision approval fee.....	\$ 270.00
Check #4 – Inspection fee (2% of cost estimate).....	\$ 750.50

2. Posting of Bond for Private Improvements in the amount of \$37,525.00

Please make payment of the above fees by separate checks made payable to the Town of New Windsor and/or by other means previously approved by the Town of New Windsor.

Once the above items are addressed, your plans will be released to you signed and approved.

Very truly yours,

Myra Mason  
Myra Mason,  
Secretary to the P.B.

mlm

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/06/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 1-25  
NAME: BUTLER, DENNIS SUBDIVISION  
APPLICANT: BUTLER, DENNIS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
02/23/2001	REC. CK. #614	PAID		600.00	
02/28/2001	P.B. ATTY. FEE	CHG	35.00		
02/28/2001	P.B. MINUTES	CHG	22.50		
06/27/2001	P.B. ATTY. FEE	CHG	35.00		
06/27/2001	P.B. MINUTES	CHG	31.50		
08/22/2001	P.B. MINUTES	CHG	9.00		
09/26/2001	P.B. ATTY. FEE	CHG	35.00		
09/26/2001	P.B. MINUTES	CHG	130.50		
02/13/2002	P.B. ATTY. FEE	CHG	35.00		
02/13/2002	P.B. MINUTES	CHG	18.00		
03/27/2002	P.B. ATTY. FEE	CHG	35.00		
03/27/2002	P.B. MINUTES	CHG	13.50		
06/06/2002	P.B. ENGINEER FEE	CHG	1269.60		
		TOTAL:	1669.60	600.00	1069.60

Check #1

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/06/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES  
RECREATION

FOR PROJECT NUMBER: 1-25  
NAME: BUTLER, DENNIS SUBDIVISION  
APPLICANT: BUTLER, DENNIS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/06/2002	3 LOT RECREATION FEE	CHG	4500.00		
			-----	-----	-----
		TOTAL:	4500.00	0.00	4500.00

check #2

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/06/2002

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**APPROVAL**

FOR PROJECT NUMBER: 1-25  
NAME: BUTLER, DENNIS SUBDIVISION  
APPLICANT: BUTLER, DENNIS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/06/2002	P.B. APPROVAL FEE	CHG	270.00		
			-----	-----	-----
		TOTAL:	270.00	0.00	270.00

check #3



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/06/2002

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**4% FEE**

FOR PROJECT NUMBER: 1-25  
NAME: BUTLER, DENNIS SUBDIVISION  
APPLICANT: BUTLER, DENNIS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/06/2002	2% OF 37,525.00 COST EST	CHG	750.50		
			-----	-----	-----
		TOTAL:	750.50	0.00	750.50

check #4

**BRADY  
ENGINEERING**

**POST OFFICE BOX 482  
WALDEN, N.Y. 12586-0482**

**Civil/Environmental Services**

**(845) 778-4006**

March 4, 2002

**IMPROVEMENT COST ESTIMATE  
for  
Butler Subdivision, N.Y.S. Route 207  
Town of New Windsor**

DESCRIPTION	QUANTITY	UNIT PRICE	COST
Roadway (24'w x 750'l) Double Surface Treatment	<del>750'</del> <del>2,000 S.Y.</del>	<del>35/LF</del> <del>\$4.50 / S.Y.</del>	<del>26,250</del> <del>\$ 9,000.00</del>
Drainage			
18" Drainage Pipe	30 L.F.	\$ 25 / L.F.	\$ 750.00
End Sections	2	\$ 250 each	\$ 500.00
Rip-Rap Swales	800 L.F.	\$ 5 / L.F.	\$ 4,000.00
Non-lined Swales	700 L.F.	\$ 3.5 / L.F.	\$ 2,450.00
Miscellaneous			
As-blt Plans	Lump	\$ 1,500	\$ 1,600.00
monuments	7	\$ 150 each	\$ 1,050.00
Street Sign	1	\$ 125 each	\$ 125.00
Soil & Erosion Control	Lump	\$ 800	\$ 800.00

Total ~~\$ 20,275.00~~  
~~\$~~ 37,525

Revised  
myk 6/3/02

2% 750.50

SUBDIVISION FEES - TOWN OF NEW WINDSOR

MINOR SUBDIVISION FEES:

APPLICATION FEE.....\$ 50.00

ESCROW:

RESIDENTIAL:

     LOTS @ 150.00 (FIRST 4 LOTS).....\$           

     LOTS @ 75.00 (ANY OVER 4 LOTS).....\$           

COMMERCIAL:

     LOTS @ 400.00 (FIRST 4 LOTS).....\$           

     LOTS @ 200.00 (ANY OVER 4 LOTS).....\$           

TOTAL ESCROW DUE....\$           

\* \* \* \* \*

APPROVAL FEES MINOR SUBDIVISION:

PRE-PRELIMINARY PLAT APPROVAL.....\$ 50.00

PRELIMINARY PLAT APPROVAL .....\$ 100.00

FINAL PLAT APPROVAL (\$100.00 + \$5.00/LOT).....\$ 120.00

FINAL PLAT SECTION FEE.....\$ 100.00

BULK LAND TRANSFER...(\$100.00).....\$           

TOTAL SUBDIVISION APPROVAL FEES.....\$ 270.00

\* \* \* \* \*

RECREATION FEES:

  3   LOTS @ <sup>1500.</sup>~~\$500.00~~ PER LOT .....\$ 4500.00

\* \* \* \* \*

THE FOLLOWING CHARGES ARE TO BE DEDUCTED FROM ESCROW:

PLANNING BOARD ENGINEER FEES.....\$           

PLANNING BOARD ATTORNEY FEES.....\$           

MINUTES OF MEETINGS.....\$           

OTHER.....\$           

\* \* \* \* \*

PERFORMANCE BOND AMOUNT.....\$           

4% OF ABOVE AMOUNT.....\$           

ESTIMATE OF PRIVATE IMPROVEMENTS: \$ 37,525.00

2% OF APPROVED COST ESTIMATE:.....\$ 750.50  
(INSPECTION FEE)

AS OF: 06/03/2002

PAGE: 1

## CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 1- 25

FOR WORK DONE PRIOR TO: 06/03/2002

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BAL
1-25	168466	02/07/01	TIME	MJE	WS BUTLER SUB RTE 207	85.00	0.40	34.00			
1-25	169046	02/26/01	TIME	MJE	MC TC/BOB R REBUTLER	85.00	0.30	25.50			
1-25	169054	02/28/01	TIME	MJE	MC BUTLER SUB	85.00	0.50	42.50			
								102.00			
1-25	170421	02/28/01			BILL 01-340 3/27/01					-161.50	
										-161.50	
1-25	169061	03/01/01	TIME	MJE	MC LA COORD LTR & DEL	85.00	0.70	59.50			
1-25	172285	04/18/01	TIME	JJR	MC PERC TEST RTE 207	65.00	1.00	65.00			
1-25	172286	04/20/01	TIME	JJR	MC PERC TEST RTE 207	65.00	8.00	520.00			
								644.50			
1-25	174488	05/29/01			BILL 01-583					-585.00	
										-585.00	
1-25	177107	06/25/01	TIME	MJE	MC BUTLER	85.00	0.70	59.50			
								59.50			
1-25	178299	06/30/01			BILL 1-723 7/26/01					-59.50	
										-59.50	
1-25	183687	09/26/01	TIME	MJE	MC BUTLER	85.00	0.50	42.50			
1-25	184211	10/03/01	TIME	MJE	MC TC/BRADY RE BUTLER	85.00	0.30	25.50			
1-25	184212	10/03/01	TIME	MJE	FM BUTLER FIELD W/BRADY	85.00	0.50	42.50			
1-25	184213	10/03/01	TIME	MJE	FI RVW BUTLER SITE ISSU	85.00	1.00	85.00			
1-25	184216	10/03/01	TIME	MJE	PM MTG REVIEW ISSUES	85.00	0.50	42.50			
1-25	184263	10/11/01	TIME	MJE	MC BUTLER W/BRADY	85.00	0.30	25.50			
								263.50			
1-25	185595	10/25/01			BILL 01-984					-263.50	
										-263.50	
1-25	196016	02/13/02	TIME	MJE	MC BUTLER	88.00	0.50	44.00			
1-25	201724	03/19/02	TIME	MJE	MC BUTLER W/BRADY	88.00	0.40	35.20			
1-25	201740	03/21/02	TIME	MJE	MC BUTLER	88.00	0.50	44.00			
1-25	201973	03/27/02	TIME	EAD	MM Butler Cond APPL	65.00	0.10	6.50			

AS OF: 06/03/2002

PAGE: 2

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 1- 25

FOR WORK DONE PRIOR TO: 06/03/2002

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALAN
1-25	204183	05/02/02	TIME	MJE	MC BUTLER W/BRADY	88.00	0.30	26.40			
								156.10			
1-25	205716	05/15/02			BILL 02-594					-156.10	
										-156.10	
					TASK TOTAL			1225.60	0.00	-1225.60	0.00
					GRAND TOTAL			1225.60	0.00	-1225.60	0.00

6/3/02

6/3/1/2

44.00  
1269.60

Mura  
Plan OK, cost est fees attached  
fees-  
MJE

RESULTS OF P.B. MEETING OF: March 27 2002

PROJECT: Butler Sub

P.B.# 01-25

**LEAD AGENCY:**

**NEGATIVE DEC:**

1. AUTHORIZE COORD LETTER: Y\_\_ N\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

2. TAKE LEAD AGENCY: Y\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

WAIVE PUBLIC HEARING: M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ WAIVED: Y\_\_ N\_\_

SCHEDULE P.H. Y\_\_ N\_\_

SEND TO O.C. PLANNING: Y\_\_

SEND TO DEPT. OF TRANSPORTATION: Y\_\_

REFER TO Z.B.A.: M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

RETURN TO WORK SHOP: YES\_\_ NO\_\_

**APPROVAL:**

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED: \_\_\_\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED CONDITIONALLY: 3-27-02

NEED NEW PLANS: Y\_\_ N\_\_

**DISCUSSION/APPROVAL CONDITIONS:**

Need letter from Bob Rodgers re: Cul-de-sac
Address Mark's comments
Note on plan re: Lot #1 Access to Rt 207
Applicant
Save Maint Agreement to Andy

*MR OK*  
*6/27/02*



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY  
and PENNSYLVANIA

□ **Main Office**  
33 Airport Center Drive  
Suite 202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@att.net

□ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhpa@ptd.net

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**PROJECT NAME:** BUTLER MINOR SUBDIVISION  
**PROJECT LOCATION:** NYS RT. 207  
SECTION 52 – BLOCK 1 – LOT 99  
**PROJECT NUMBER:** 01-25  
**DATE:** 13 FEBRUARY 2002  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 10.8  
ACRE PARCEL INTO FOUR (4) SINGLE-FAMILY RESIDENTIAL  
LOTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE  
28 FEBRUARY 2001, 27 JUNE 2001 AND 26 SEPTEMBER 2001  
PLANNING BOARD MEETINGS.

1. This project is located in the R-1 Zoning District of the Town. Since this application was active before the Planning Board when the zoning change was made for lot area, the application is being reviewed based on the zoning in place at the time of application. Each of the lots appears to comply with those applicable bulk values.
2. A concern noted at the Public Hearing dealt with drainage concerns. On 3 October 2001 I met with the project engineer in the field. He advised that it was their opinion that there is no drainage impact to adjoining properties since drainage will be directed to a roadside swale, which ultimately runs to a culvert crossing Route 207. The private road and the related swales will redirect sheet flow drainage running across the property to the State's roadside ditch. Based on my observations in the field, I believe this assessment is reasonable. The Board should determine if any additional action is needed in this regard.
3. I have reviewed this latest plan submitted and have the following comments:
  - a. The final plan must have the signature and seal of a licensed land surveyor.
  - b. The subdivision plan should depict the location of curtain drains for the proposed sanitary systems. These drains, and the footing drains, should be directed to the roadside swale of the private road.

- c. The cul-de-sac has an inadequate diameter. 100 ft. is required. Easement should be 120 ft.
  - d. Any utility easements associated with the utility poles depicted on the plans, should be shown on the subdivision plat.
  - e. The plan includes a road name, which must be verified by the Fire Inspector as acceptable for 911. Lot numbering should also be coordinated with the F.I.
4. The applicant will need to obtain approval from the NYS Department of Transportation for the private road access. A Highway Work Permit will be required. Sight distance values should be added to the plan and, following same, we can refer the plans to DOT for comments (both on the access and any drainage issues).
5. If deemed appropriate by the Board, a "negative declaration" under SEQRA, could be considered.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW01-25-13Feb02.doc



BUTLER SUBDIVISION (01-25)

Mr. Dennis Butler appeared before the board for this proposal.

MR. BUTLER: I'd like to request final approval.

MR. PETRO: Application proposes subdivision of 10.8 acre parcel into 4 single residential lots. Plan was previously reviewed at the 28 February, 2001, 27 June, 2001, 26 September, 2001 and 13 February, 2002 planning board meetings. This is an R-1 zone permitted use by law, each of the lots appears to comply with the applicable bulk tables and Mark has a few comments, final plan must have the signature and seal of a licensed land surveyor. Do we have that now?

MR. BABCOCK: No, if you, what Mark is saying that if you do move to approve that we'll need these things subject to.

MR. PETRO: Wording of note 15 should be corrected, although the intent appears acceptable, very, very minor.

MR. BABCOCK: Did the fire inspector approve this?

MR. PETRO: We have approval on 6/20/2001 and we have on sheet one, we have approved roadway name is referred to as Butler Road and on sheet 2, it's referred to as Butler Lane. Mr. Butler indicated it should be Butler Lane. Please change accordingly.

MR. BUTLER: It's on here now.

MR. BABCOCK: He's gonna have to get Bobby to mention the cul-de-sac.

MR. ARGENIO: I'm curious why are you going for the waiver, not the proper size?

MR. BUTLER: Had to do with the drainage, originally, there was a big problem with the drainage and I already spoke to him, he was supposed to give you a letter.

MR. BABCOCK: It's just an oversight, Bob approved it.

MR. PETRO: It was approved, maybe he did review and approve, I have the, just don't have the letter on

file, we'll get that.

MR. BABCOCK: We'll straighten that out.

MR. PETRO: Need a response of approval from New York State DOT.

MR. DENEGA: Mark did receive a comment from the DOT just after writing his comments just before he left he looked at it briefly and he did ask regarding one comment on here this is the sole access that DOT will allow for this property. Mark asked that a note be added indicating that no direct access to 207 will be permitted and access will only be permitted via the private road.

MR. BABCOCK: In other words, they're not going to allow you another road coming out from any of these properties, but the--

MR. PETRO: You want a note on the plan stating that?

MR. DENEGA: Yes.

MR. ARGENIO: No direct access for lot 1, is that correct?

MR. BABCOCK: That's correct.

MR. PETRO: We have fire approval on 2/6/02 and I think that's it. Do any of the members have any other questions? We have reviewed it four or five times. Do you have something?

MR. KARNAVEZOS: No.

MR. ARGENIO: No.

MR. PETRO: You can do a motion for final approval.

MR. BRESNAN: So moved.

MR. LANDER: Subject to.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Butler minor subdivision on Route 207, subject to the

final plan must have a signature and seal of a licensed land surveyor, note number 15 should be corrected, the waiver of the cul-de-sac from the fire inspector be in the file and I believe our secretary will do that and we need a response which we received from DOT, that's not a condition, and note on the plan that no direct access from lot number one will be permitted to Route 207, other than the private road. Do you understand those?

MR. BUTLER: Yes, I do.

MR. PETRO: Roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
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□ **Main Office**  
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507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhepa@mhepc.com

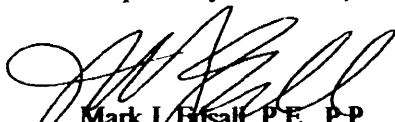
**Writer's E-mail Address:**  
mje@mhepc.com

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**PROJECT NAME:** BUTLER MINOR SUBDIVISION  
**PROJECT LOCATION:** NYS RT. 207  
SECTION 52 – BLOCK 1 – LOT 99  
**PROJECT NUMBER:** 01-25  
**DATE:** 13 FEBRUARY 2002  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 10.8 ACRE PARCEL INTO FOUR (4) SINGLE-FAMILY RESIDENTIAL LOTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 28 FEBRUARY 2001, 27 JUNE 2001, 26 SEPTEMBER 2001 AND 13 FEBRUARY 2002 PLANNING BOARD MEETINGS.

1. This project is located in the R-1 Zoning District of the Town. Each of the lots appears to comply with the applicable bulk values.
2. I have reviewed this latest plan submitted and have the following comments, which can be conditions of approval if so desired by the Board:
  - a. The final plan must have the signature and seal of a licensed land surveyor.
  - b. The wording of Note 15 should be corrected (although the intent appears acceptable).
  - c. A waiver for cul-de-sac diameter must be confirmed with the Fire Inspector.
  - d. We need a response of approval from NYSDOT (see next comment).
3. The plan was forwarded to the NYSDOT for review and approval. The applicant will need to obtain a Highway Work Permit from the NYS Department of Transportation for the private road access. I am not aware of any response from DOT as of this date.

Respectfully Submitted,

  
Mark J. Edsall, P.E., P.P.  
Planning Board Engineer  
MJE/st NW01-25-27Mar02.doc



STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
4 BURNETT BOULEVARD  
POUGHKEEPSIE, NY 12603

WILLIAM D. FITZPATRICK, P.E.  
REGIONAL TRAFFIC ENGINEER  
(845) 575-6040

ROBERT A. DENNISON III, P.E.  
REGIONAL DIRECTOR

JOSEPH H. BOARDMAN  
COMMISSIONER

Richard A. Burns  
NYSDOT Permits  
112 Dickson Street  
Newburgh, NY 12550  
☐ (845) 565-9762

20 March, 2002

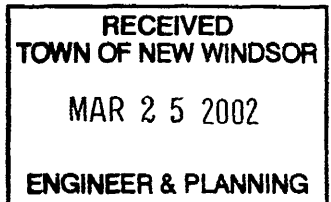
Mr. Mark J. Edsall, P.E., P.P.  
Town of New Windsor Planning Board Engineer  
555 Union Avenue  
New Windsor, NY 12553

Re: BUTLER SUBDIVISION NYS ROUTE 207 SH# 153 HRM 207-8301-1119  
NEW WINDSOR PLANNING BOARD #01-25

Dear Mr. Edsall,

I have conceptually reviewed the plans by Brady Engineering File #975-00 last revised 3/4/02.  
I have comments as follows:

- \* Sight distance is acceptable.
- \* Any subdivision of 4 or less residences utilizes residential driveway standards.
- \* Curbing is not necessary. A culvert is necessary.
- \* This is the sole access that DOT will allow for this property.



\* A Highway Work Permit should be applied for prior to issuance of a building permit.

☺ The plans are basically sound. A Highway Work Permit can be issued pending local approval and submission of all the ancillary paperwork for processing.

Please contact me at the included phone number and address if you would like to discuss this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Burns". The signature is fluid and cursive, with the first name "Richard" being more prominent than the last name "Burns".

Richard A. Burns, Permits for Eastern Orange County

cc: Glenn Boucher, Traffic

Patrick Brady, Brady Engineering

RESULTS OF P.B. MEETING OF: February 13, 2002

PROJECT: Butler Subdivision

P.B.# 01-25

**LEAD AGENCY:**

**NEGATIVE DEC:**

1. AUTHORIZE COORD LETTER: Y\_\_ N\_\_

M) LN S) B VOTE: A 4 N 0

2. TAKE LEAD AGENCY: Y\_\_ N\_\_

CARRIED: YES ✓ NO\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

WAIVE PUBLIC HEARING: M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ WAIVED: Y\_\_ N\_\_

SCHEDULE P.H. Y\_\_ N\_\_

SEND TO O.C. PLANNING: Y\_\_

SEND TO DEPT. OF TRANSPORTATION: Y\_\_

REFER TO Z.B.A.: M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

RETURN TO WORK SHOP: YES\_\_ NO\_\_

**APPROVAL:**

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED: \_\_\_\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: Y\_\_ N\_\_

**DISCUSSION/APPROVAL CONDITIONS:**

<i>Address Mark's comments of 2/13/02</i>
<i>Send to D.O.T.</i>
<i>Need waiver from Fire Inspector for cul-de-sac radius from 100' to 80'</i>
<i>Need Private Rd. Maint Agreement</i>

Received at 9/26/01  
Planning Board Meeting

1

To the respected members of the Town of New Windsor Planning Board,

In as much as I wish I could be here in person, my duties prohibit me from attending this meeting. I have asked that this statement be read at the September 26, 2001 meeting and my hope is that you the board allow it.

I would first like to ask several questions of the representative of the development company.

1. Will this development impact any State regulated wet lands? Have you checked with a representative of the State Department of Environmental Conservation? I have been in contact with the D.E.C. and I am in the process of having an engineer inspect the property to determine if it is in fact a wetland.
2. Will this development impact any Federal regulated wet lands? Have you checked with the Army Corps of Engineers? I am in the process of having an engineer from that agency also inspect the property.
3. Are you aware of the fact that if this property is designated wet lands then no structure can be built within one hundred feet of such designated land?
4. Are you aware that if this property is in a flood zone and you develop it and your development impacts upon adjoining properties you are open to civil litigation for any damage caused? In other words you are planning to develop an area that is extremely wet and on a hill. If by removing foliage you cause a condition where run off of water impacts the properties at the base you will face civil litigation.

I would also like to address the issue that I brought up at the May 23, 2001 Planning Board meeting of the restrictive covenants for Liberty Meadows Subdivision. I have been in contact with Board Attorney Andrew Krieger who stated that his position is that the Planning Board should not be the determining body. He stated that the determining body should be the Supreme Court of the State of New York. With regards to this there are four points I would like to make.

1. I have been in contact with an attorney who stated to me that these restrictive covenants are enforceable and if the case is taken to the Supreme Court of New York he feels very confident that the results would be favorable. The problem is however that the costs would run into the tens of thousands of dollars and the financial burden would fall upon the homeowners bringing the case. I can only speak for myself but I am sure that the homeowners against this development can ill afford to incur this cost.
2. I would also like to appeal to the Board to take the position that these covenants are enforceable and thereby shifting the financial burden to the development company. It would seem to me that since the development company wants to challenge to legality of the covenants then they should incur the cost, not the homeowners who bought their homes thinking that these covenants protected them. By doing this the Board will have a legal basis for the next case where restrictive covenants are in place and there is a challenge to their legality.
3. when I purchased my property in 1994 I was supplied with numerous documents pertaining to right of ways, covenants, and any other potential issues that may affect the property. All of this was supplied under full disclosure. I would find it very hard to believe that the development company was not aware of the restrictive covenants in place at the time the property in question was purchased. I would question why knowing or having should known that they were not to sub divide the property further they purchased it anyway. Maybe ignoring the covenants was their plan all along.
4. If the Board is still not convinced that they can enforce the letter of the law of the covenants then I would appeal to them to enforce the spirit of the law. The spirit of the covenants was to protect the home owners of Liberty Meadows Sub Division from intrusion upon their privacy. We built our homes with the comfort and assurance that our privacy would not be impacted upon by future development. We counted upon the covenants to protect us and if the board deems them to be not legally binding then we hope that the Board will find that due to the impact upon our privacy the development be stopped.

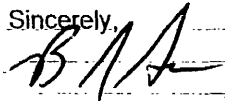
I hope that the Board can appreciate the effort I have put into this and recognize that if I did not believe that my property and my privacy will be affected by this development I would not be writing this to you. As a



resident of the Town of New Windsor for the past seven years I believe that this is a good community, one which would protect the privacy of its homeowners from over development. As I look at Rockland County and how out of control the development has become I would appeal to the Planning Board to not let this happen in Orange County. If this development is not stopped in Liberty Meadows Sub Division what is to stop anyone with two acres from sub dividing it into two more homes? For that matter anyone with five acres placing five homes on single acre lots? The potential for the eradication of privacy in our town and our development is unimaginable. I firmly believe that the development of the property in question by placing all four houses on less than half of the total acreage will create an eyesore by having not only the new homes but the existing homes in such close proximity. There is also a potential for civil litigation due to how wet the land being developed is and how the development will affect the way in which the water will drain. The East side of my property is all ready wet and I have no desire to see it become a swamp. My privacy will definitely be affected. I know this because I have seen trucks and equipment moving on the property in question while I was standing in my kitchen and in my family room. As I am not a lawyer my hope is that this statement was done in a format that is acceptable to the Board and that they will forgive any errors I have made while creating this. I along with other homeowners in the Liberty Meadows Sub Division and homeowners in the Town of New Windsor count upon the Town of New Windsor Planning Board to protect our basic rights from overdevelopment and for privacy. I appeal to the respected members of the Board to look at this from the perspective of fellow homeowners and see that if they do not stop this their homes and the property around them could be next.

I thank you for your time

Sincerely,

 9/24/01

Brian J. Hammer  
672 Beattie Rd  
Rock Tavern, NY 12575

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
(This Page is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

KEVIN & MARIA FINUCANE, JOHN F & ROSE MEOLA,  
STEFANO A MASI & JOAN BALDASSARE, JOAN  
BALDASSARE, STEFANO & MARYANN MASI  
& FIRST BENMAR

DECLARATION

RECORD AND RETURN TO:  
(Name and Address)

Drake, Sommers, Loeb, Tarshis & Catania, PC  
One Corwin Court  
Newburgh, New York 12550  
Attn: James R. Loeb, Esq.  
File # 37541

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 53132 DATE 2/18/92 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED        MORTGAGE        SATISFACTION        ASSIGNMENT        OTHER Deed

BG20 Blooming Grove	SERIAL NO. _____	CHECK <u>  </u> CASH <u>  </u> CHARGE <u>  </u>
CH22 Chesler	Mortgage Amount \$ _____	
CO24 Cornwall	Exempt Yes <u>  </u> No <u>  </u>	MORTGAGE TAX \$ _____
CR28 Crawford	J-6 Cooking Units Yes <u>  </u> No <u>  </u>	TRANSFER TAX \$ _____
DP28 Deepark	Received Tax on above Mortgage	
GO30 Goshen	Basic \$ _____	
GR32 Greenville	MTA \$ _____	RECORD. FEE \$ <u>29.00</u> (g)
HA34 Hamptonburgh	Spec. Add. \$ _____	REPORT FORMS \$ _____
HI36 Highland	TOTAL \$ _____	CERT. COPIES \$ _____
MK38 Minisink		
ME40 Monroe		
MY42 Montgomery		
MH44 Mount Hope		
NT46 Newburgh (T)		
NW48 New Windsor		
TU50 Tuxedo		
WL52 Wallkill		
WK54 Warwick		
WA56 Wawayanda		
WO58 Woodbury		
MN09 Middletown		
NC11 Newburgh		
PJ13 Port Jervis		
9999 Hold		

MARION S. MURPHY  
Orange County Clerk

by: C. R. Rocco

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the 25th day of March 19 92 at 1:37  
O'clock P M. In Liber/Film 3579  
at page 34 and examined.

Marion S. Murphy  
County Clerk

RECEIVED  
\$ \_\_\_\_\_  
REAL ESTATE  
TRANSFER TAX  
ORANGE COUNTY

LIBER 3579 PAGE 34

ORG 03/25/92 01:37:48 13337 29.00

\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*

DEED CONTROL NO: 53132 .00 \*

DECLARATION OF RESTRICTIVE COVENANTS

In consideration of the mutual promises exchanged among the various owners and in consideration of One (\$1.00) Dollar paid by each owner to the other, the receipt of which is hereby acknowledged, the owners of certain lots on premises known as Liberty Meadows Subdivision in the Town of New Windsor, Orange County, New York as shown on a map filed in the Orange County Clerk's Office August 1, 1989 as Map No. 9582 do hereby impose and declare the covenants and restrictions hereinafter set forth to be in addition to the notes set forth on the filed map, and affecting the following numbered lots owned by the persons whose names are set forth below. The covenants and restrictions contained herein shall run with the land and bind all present and future owners of the lots as follows:

<u>Owner</u>	<u>Lot No.</u>
Kevin Finucane and Maria Finucane	3 *
John F. Meola and Rose Meola	8
Stefano A. Masi and Joan Baldassare	15
Joan Baldassare	20
Stefano A. Masi and Maryann Masi	21
First Denmar	2, 4, 7, 9, 10, 16, 17, 18, 19

1. Any residential structure constructed on any lot shall consist of a minimum of 2,400 square feet of livable space, the lowest floor elevation of which shall be above the elevation of the lowest point on the final grading at the structure's foundation. The required minimum 2,400 square feet and the floor

\*FOR ADDRESSES SEE SIGNATURE PAGE, PAGE 4

elevation minimum shall not include any breezeway, basement and garage.

2. No existing lot on the filed map shall be further subdivided except for lot no. 6 which consists of 76+ acres.

3. No activities shall be carried on nor anything done or placed on any of the lots which shall cause a nuisance to other lot owners.

4. No satellite dishes or other types of dish antennae of any kind shall be located nearer than 150 feet from the right-of-way of any road on the filed map, nor closer than 50 feet from the sidelines of any building lot, and in all cases must be landscaped and screened from the adjoining lot.

5. No trailers or mobile homes for dwelling purposes, whether temporary or permanent, may be placed on any lot; notwithstanding the foregoing, the use of a construction trailer for non-residential purposes shall be permitted during the actual construction of a single family dwelling on any of the lots.

6. All utility installations including hook-ups from the utilities installed in the rights-of-way shall be underground; this shall include cable television as well as electric service.

7. All above-ground swimming pools must be screened by landscaping except for pools installed on the following lots: 2, 3, and 4.

8. Except for one van or one pick-up truck, no commercial vehicle shall be parked on or in front of any residential lot; nothing contained herein shall prevent the parking of one or more commercial vehicles in a garage on the lot. Nothing contained in this paragraph shall prevent the parking of a commercial vehicle on or in front of any lot while the driver of the vehicle is actually working on the subject premises.

9. No exterior clotheslines or drying yards shall be permitted unless located and landscaped as not to be visible from adjoining premises.

10. There shall be no cutting of trees within 25 feet of all side or rear lot lines except for thinning and removal of trees in accordance with recognized forestry conservation practices.

11. Subject to the provisions of the Town of New Windsor zoning regulations, accessory structures may be erected; however, no trailers, motor homes, trucks or motor vehicles unless currently registered shall be permitted on or in front of any lot, except for such vehicles as may be stored within a stored garage.

12. After construction of a residence or any other improvements on a lot, no refuse, construction debris or other unsightly objects shall be allowed to remain anywhere on the lot.

13. All doghouses and dog runs must be located only in rear yards and must be located at least 25' from the rear line and the side lines.

The foregoing Declaration of Restrictive Covenants is hereby imposed and declared as of this 6 day of February, 1992.

Kevin Finucane  
KEVIN FINUCANE residing at PO Box 7,  
Rock Tavern, NY 12575

Maria Finucane  
MARIA FINUCANE residing at PO Box 7,  
Rock Tavern, NY 12575

John F. Meola  
JOHN F. MEOLA residing at 7 Leone Court,  
Woodcliff Lake, NJ 07675

Rose Meola  
ROSE MEOLA, residing at 7 Leone Court,  
Woodcliff Lake, NJ 07675

Stefano A. Masi  
STEFANO A. MASI, residing at 4 Squire Court,  
Mahwah, NJ 07430

Joan Baldassare  
JOAN BALDASSARE, residing at 2 Sparrow Road,  
Mahwah, NJ 07430

Maryann Masi  
MARYANN MASI, residing at 4 Square Court,  
Mahwah, NJ 07430

FIRST DENMAR

By: Robert B. Pata  
principal place of business at 799 Main St.  
Dalton, MA 01226

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

First National Bank of  
Glens Falls  
TO  
Brian J. Hamner

HORIZON ABSTRACT 740-0-7123

SECTION 52 BLOCK 1 LOT 94

RECORD AND RETURN TO:  
(Name and Address)

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

T. Taansen Esq  
400 Broadway Ave  
Newburgh, NY 12550

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 57525 DATE 6-22-94 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove \_\_\_\_\_  
CH22 Chester \_\_\_\_\_  
CO24 Cornwall \_\_\_\_\_  
CR26 Crawford \_\_\_\_\_  
DP28 Deerpark \_\_\_\_\_  
GO30 Goshen \_\_\_\_\_  
GR32 Greenville \_\_\_\_\_  
HA34 Hamptonburgh \_\_\_\_\_  
HI36 Highlands \_\_\_\_\_  
MK38 Minisink \_\_\_\_\_  
ME40 Monroe \_\_\_\_\_  
MY42 Montgomery \_\_\_\_\_  
MH44 Mount Hope \_\_\_\_\_  
NT46 Newburgh (T) \_\_\_\_\_  
NW48 New Windsor ☒  
TU50 Tuxedo \_\_\_\_\_  
WL52 Wallkill \_\_\_\_\_  
WK54 Warwick \_\_\_\_\_  
WA56 Wawayanda \_\_\_\_\_  
WO58 Woodbury \_\_\_\_\_  
MN09 Middletown \_\_\_\_\_  
NC11 Newburgh \_\_\_\_\_  
PJ13 Port Jervis \_\_\_\_\_  
9999 Hold \_\_\_\_\_

SERIAL NO. \_\_\_\_\_

Mortgage Amount \$ \_\_\_\_\_

Exempt Yes \_\_\_\_\_ No \_\_\_\_\_

3-6 Cooking Units Yes \_\_\_\_\_ No \_\_\_\_\_

Received Tax on above Mortgage

Basic \$ \_\_\_\_\_

MTA \$ \_\_\_\_\_

Spec. Add. \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

CHECK ☒ CASH ☐ CHARGE ☐

MORTGAGE TAX \$ \_\_\_\_\_

TRANSFER TAX \$ 142

ED. FUND \$ 5.00

RECORD. FEE \$ 11.00

REPORT FORMS \$ 30.00

CERT. COPIES \$ \_\_\_\_\_

Joan Macchi  
MARION EXMURRAY  
Orange County Clerk

by: P. Macchi

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on JUN 30 1994

at 3:58 O'Clock P M.

In Liber/Film 4068 deeds

at page 199 and examined.

County Clerk

Horizon

RECEIVED  
\$ 142  
REAL ESTATE  
JUN 30 1994  
TRANSFER TAX  
ORANGE COUNTY

LIBER 4068 PAGE 199

201 06/06/94 00:00:55

30710

41.00

100% EDUCATION FUND

5.00 40000

wp:70077

**THIS INDENTURE**, made the 2<sup>nd</sup> day of June, nineteen hundred and ninety-four

**BETWEEN** First National Bank of Glens Falls, a lending institution with offices for the transaction of business at 237 Glen Street, Glens Falls, NY 12801

party of the first part, and

Brian J. Hammer, residing at PO Box 56, Wilson Place, Cornwall, NY 12518

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, shown and designated as Lot #17 on a map of Liberty Meadows Subdivision filed in the Orange County Clerk's Office on 8/1/89 as Map No. 9582.

Being a portion of the premises conveyed in a certain deed from Evergreen Venture Capital Corp. to First Benmar on 1/15/91, recorded in the Office of the Orange County Clerk in Liber 3397 of deeds at page 173 on 1/17/91.

Subject to all easements, restrictions, agreements, and rights of way of record affecting the premises herein conveyed.

Subject to Declaration of Covenants and Restrictions dated 2/6/92 and recorded in the Orange County Clerk's Office in Liber 3579 at page 34 on 3/25/92.

Subject to and reserving to the grantor the right to offer for dedication to the Town of New Windsor all roads, easements, and rights of ways pertinent thereto as identified on the filed subdivision map.

Subject to all restrictions, notes, covenants, offers of dedications and conditions set forth on the Subdivision Map.

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.



AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid. AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

First National Bank of Glens Falls

By: Neil E. Hannan  
Neil E. Hannan, Assistant Vice President

STATE OF New York, COUNTY OF WARREN ) ss:

On the 22<sup>ND</sup> day of June, 1994, before me personally came Neil E. Hannan, to me known, who, being by me duly sworn, did depose and say that he resides at c/o 237 Glen Street, Glens Falls, NY 12801, and that he is the Assistant Vice President of First National Bank of Glens Falls, the corporation described in and which executed the foregoing instrument and that he signed his name thereto by order of the Board of Directors of said corporation.

St. M. Will  
Notary Public, Qualified in  
the State of New York,  
County of Albany and my  
commission expires  
6/18/96

PUBLIC HEARING - CONTINUED:

BUTLER SUBDIVISION (01-25)

MR. PETRO: Continuation of a public hearing on the Butler subdivision on Route 207 represented by Mr. Brady.

Gerry Lennon, Esq. appeared before the board for this proposal.

MR. LENNON: Gerry Lennon, attorney for Mr. Butler. Mr. Brady's been delayed, asked if I can proceed in his absence.

MR. PETRO: Proposed 4 lot residential subdivision. This application proposes subdivision of the 10.8 acre parcel into four single family residential lots. This plan was previously reviewed at the 28 February, 2001 meeting, 27 June, 2000 planning board meeting and this application is before us tonight for continuation of a public hearing. What we're going to do is we're going to review it, evidently, the public hearing is still open, is that correct?

MR. KRIEGER: Yes.

MR. PETRO: It's still open, anyone wants to speak, let's hear quickly of the presentation, then I'll open it back to someone who'd like to speak. At that time, you can be recognized by the Chair, come forward, state your name and address. Let's hear the presentation first.

MR. LENNON: Mr. Chairman, board members, very simply going back to the continuation of the public hearing, this is a 4 lot subdivision off of Route 207. The lots range in size from 1.02 acres to 4.26 acres. There's no further subdivision anticipated or planned beyond these lots. Where we were in the planning board hearing process, there were a number of comments that were raised. If I might summarize and refresh everybody's recollection, Mr. Edsall can correct me if I've missed any, proposed was to be increased from 80 feet to 100 feet. In the course of doing that, there

will be an adjustment on lot 3 to move the well, make sure the well and septic separation was proper. There was a question making sure we name the road for 911, I understand that's been accomplished through the post office.

MR. EDSALL: Through the fire inspector.

MR. LENNON: Also requirement for because of the slope here goes at certain points over 5 percent that there be rip-rap placed in the swales to retard the water drainage and last thing was need to refer this to DOT for conceptual approval of the location. My understanding it's your usual course to make sure DOT's comfortable with the conceptual location, then upon approval, the applicant goes and puts in the highway work permit before we go to final. I think that summarizes all the issues that I knew were outstanding. Then what happened everyone will recall there was an issue with regard to private rights arising from what prior declaration with Liberty Meadows subdivision and adjoining lots. I researched all that, I prepared a letter memo with supporting documentation, I have provided it to the board and copy to Mr. Krieger, Town's Planning Board attorney.

MR. PETRO: Bring us up to date why we had to table the public hearing, what was found out since then and why we're back here tonight.

MR. KRIEGER: Okay, at the original time of the public hearing, a question was brought up with respect by the member of the audience with respect to a note that was on the apparently on the original subdivision map pertaining to no further subdivision. The board then adjourned the hearing and asked me to look into that. And I did. With respect to the note, first of all, there appears to be some question as to whether or not this restrictive covenant was contained in all of the deeds for the subdivision. Regardless the determination that I made is quite frankly enforcing that provision if it's going to be enforced it's not something within the jurisdiction or province of this board. It's a, there are restrictive covenants contained in the deeds and the extent to which they are

enforced or not enforced is a matter of Supreme Court, not for this board. This board doesn't have the jurisdiction to deny the subdivision on that grounds alone. If the board were to follow its more traditional approach and examinations and maybe the board should follow those in making a decision based on those examinations and not upon this legal issue which this board cannot.

MR. LENNON: Mr. Chairman, I just would like to request that the, what I submitted to the board be put in the official record and I would like the board to know that in fact, there's no, the declaration that was referenced previously that does apply to a number of the other lots in Liberty Meadows subdivision does not apply to this, this lot is not included in that declaration. Additionally, nowhere in the chain of title in the deeds is there any such restriction either. This was one of the lots that was not included. The other thing though I want to point out there's a number of in the declaration that binds most of the lots in Liberty Meadows subdivision. There are a variety of restrictions not uncommon in a subdivision other than the no further subdivision which we maintain doesn't apply to us because we're, my client has indicated he doesn't have a problem with applying a number of the other of those restrictions with regard to where you can place a swimming pool and number of other things like that on these lots as well. So that's, those don't become issues, we have no problem with that. We also have no problem and was represented to this board previously that there be no further subdivision of those lots.

MR. PETRO: How did you determine what lot was this, what number was this lot in the original subdivision?

MR. LENNON: Lot 22.

MR. PETRO: This is lot 22 in the original subdivision, it actually states that lot 22 is exempt from that declaration that no further subdivision.

MR. LENNON: There is a declaration that specifically lists the lots that are covered and lot 22 is not in

that. Secondly, I researched the chain of title from this lot and incorporated those, both the declaration and the various deeds in the chain of title and there's no restriction in the chain of title either on this lot.

MR. KRIEGER: If I may, I think the reason for that initially this is going back obviously sometime but when the first subdivision was made, lot 22 was what's often referred to as the remainder lot. So while the then owner applicant was willing to make a commitment of no further subdivision as to the other lots, he reserved to himself the right to the remainder lot.

MR. PETRO: Okay, under advice of counsel and under the statement that we have heard from the applicant, I'm going to assume that all that is true and we're going to accept that and we're going to move forward, as for the planning board review of this parcel. If anyone has issue with that, they can take it up elsewhere. So, let's get back to planning board issues. All right, we've heard enough. Any members want to say anything at this time? Let's go on with the public hearing and then we can get back to our duties. Okay, at this time, again, I'll open it up to the public. If someone would like to speak, come forward, state your name and address and be recognized by the Chair.

MS. PAYNE: Deborah Payne, P-A-Y-N-E, 39 Liberty Drive, Rock Tavern, New York 12575. My first question would be such as that the verification that it is not proven, will that be given to adjoining property owners because we're under the impression that the lot was included and was not to be subdivided. So, as far as I'm concerned right now, this is hearsay. Would we be provided evidence of such? And my next question is I notice that the Butler subdivision is willing to provide with the other declarations that apply to the other homes so why not be willing to adhere to the one with this lot, be not able to be subdivided as well. And another point I would like to bring up to the planning board was that in a continuation I feel that the homeowners should have the right to written notification of when the continuation is to continue. I don't feel the onus should be on the homeowners to

have to continually call the planning board and find out when it should be on. I feel too much onus is placed on the homeowners. We're not the principalities that make the laws, yet we're forced to adhere to them. It just creates a sense of anarchy and government isn't working in such a capacity. Thank you.

MR. PETRO: What would you like me to answer first? That was quite a mouth full. I can tell you that the first one you're talking about was the subdivision, I just went over that and this is just not the place that we're going to go over that any further. In other words, we're going to accept that it can be subdivided. If you feel that it can't.

MS. PAYNE: That will be on my dime.

MR. LENON: On my dime, I'd be happy to provide you, anybody gives me their name and address, a copy of what we submitted to the board. It's about 20 pages but I'd be happy to give it to you, it's the public record, as a courtesy, I will provide copies.

MR. PETRO: Second part of the question why would they adhere to all the other concerns and not to this, obviously they want to subdivide it.

MR. LENNON: You mean we don't want to be a good neighbor?

MR. PETRO: You want four lots instead of one, that's why they're doing it. Thirdly, as far as the written notices, Andy, procedure for sending out notices for a second public hearing, continuation of a public hearing, is there any statute that we don't or why do we?

MR. KRIEGER: No, as I recall, at the first public hearing, you announced that it would be continued. The law as it's written doesn't require you to, doesn't require the board to send out any other notices. The board like everybody else is subject to the laws, not only substantively but with respect to procedures.

MR. PETRO: State or Town Law?

MR. KRIEGER: State law, as far as the notices are concerned, yes, and as far as the necessity for noticing a public hearing, town can determine what newspaper to publish it in, for instance, but when it has to be published and to whom it has to be sent is a matter of state law.

MR. PETRO: Sounds like a slip in the cracks. I agree it wouldn't be a bad idea for people to be notified again, they probably have enough to do to keep track of the public hearing yet we're not required to do it.

MR. KRIEGER: I can certainly understand the complaint and it's well taken. It's just addressed to the wrong, to a body that can't do anything about it.

MR. PETRO: So that's two items we can't do anything about. So we're going to get back to the site plan, I guess, and something we can work on.

MS. PAYNE: Okay, thank you.

MR. PETRO: Thank you very much.

MR. BUTLER: Dennis Butler, it's my subdivision. I would just like to state that the reason I'm willing to comply to the other issues because I'm going to be living there also, it's not just, I'm going to be living in one of the lots myself.

MR. PETRO: One of the newer 4 lots?

MR. BUTLER: Yes, I'm lot number 4.

MR. LENNON: This is for those of you who are there, there's a utility line right-of-way which separates the properties and I, let me just look if it helps--well, the utility line is actually an easement, it's not an ownership so--

MS. PAYNE: The easement is within our property boundaries.

MR. LENNON: Yes.

MR. PETRO: Someone else like to speak directly to the board?

MS. DEFAO: My name is Julie DeFao, I live on 680 Beattie Road. I actually live on the corner of Beattie Road and my property meets up with the 11 acres for the majority of the lane of the power lines. I'm actually here tonight to speak on behalf of myself and also my neighbor, unfortunately, my neighbor, Brian Hammer, who's wife is here, is on special duty in the state police and could not be present tonight but he'd like me to read a statement for you and ask some questions that he had. Would that be okay?

MR. PETRO: Sure.

MS. DEFAO: To the respected members of the Town of New Windsor Planning Board: "In as much as I wish I could be here in person, my duties prohibit me from attending this meeting. I have asked that this statement be read at the September 26, 2001 meeting and my hope is that you the board allow it. I would first like to ask several questions of the representative of the development company. 1. Will this development impact any State registered wetlands? Have you checked with a representative of the State Department of Environmental Conservation? I have been in contact with the D.E.C. and I am in the process of having an engineer inspect the property to determine if it is in fact a wetland. 2. Will this development impact any Federal regulated wetlands? Have you checked with the Army Corps of Engineers? I am in the process of having an engineer from that agency also inspect the property. 3. Are you aware of the fact that if this property is designated wetlands then no structure can be built within one hundred feet of such designated land? 4. Are you aware that if this property is in a flood zone and you develop it and your development impacts upon adjoining properties, you are open to civil litigation for any damage caused? In other words, you are planning to develop an area that is extremely wet and on a hill. If by removing foliage you cause a condition where runoff of water impacts the properties at the base you will face civil litigation. I would



also like to address the issue that I brought up at the May 23, 2001 Planning Board meeting of the restrictive covenants for Liberty Meadows subdivision. I have been in contact with Board Attorney Andrew Krieger, who stated that his position is that the Planning Board should not be the determining body. He stated that the determining body should be the Supreme Court of the State of New York. With regards to this there are four points I would like to make. 1. I have been in contact with an attorney who stated to me that these restrictive covenants are enforceable and if the case is taken to the Supreme Court of New York he feels very confident that the results would be favorable. The problem is however that the costs would run into the tens of thousands of dollars and the financial burden would fall upon the homeowners bringing the case. I can only speak for myself but I am sure that the homeowners against this development can ill afford to incur this cost. 2. I would also like to appeal to the Board to take the position that these covenants are enforceable and thereby shifting the financial burden to the development company. It would seem to me that since the development company wants to challenge the legality of the covenants then they should incur the cost, not the homeowners, who bought their homes, thinking that these covenants protect them. By doing this the Board will have a legal basis for the next case where restrictive covenants are in place and there is a challenge to their legality. 3. When I purchased my property in 1994 I was supplied with numerous documents pertaining to right-of-ways, covenants, and any other potential issues that may affect the property. All of this was supplied under full disclosure. I would find it very hard to believe that the development company was not aware of the restrictive covenants in place at the time the property in question was purchased. I would question why knowing or having should know that they were not to subdivide the property further they purchased it anyway. Maybe ignoring the covenants was their plan all along. 4. If the board is still not convinced that they can enforce the letter of the law of the covenants then I would appeal to them to enforce the spirit of the law. The spirit of the covenants was to protect the homeowners of Liberty Meadows subdivision

from intrusion upon their privacy. We built our homes with the comfort and assurance that our privacy would not be impacted upon by future development. We counted upon the covenants to protect us and if the board deems them to be not legally binding then we hope that the Board will find that due to the impact upon our privacy the development be stopped. I hope that the board can appreciate the effort I have put into this and recognize that if I did not believe that my property and my privacy will be affected by this development I would not be writing this to you. As a resident of the Town of New Windsor for the past seven years I believe that this is a good community, one which would protect the privacy of its homeowners from overdevelopment. As I look at Rockland County and how out of control the development has become I would appeal to the Planning Board to not let this happen in Orange County. If this development is not stopped in Liberty Meadows subdivision what is to stop anyone with two acres from subdividing it into two more homes? For that matter, anyone with five acres placing five homes on single acre lots? The potential for the eradication of privacy in our town and our development is unimaginable. I firmly believe that the development of the property in question by placing all four houses on less than half of the total acreage will create an eyesore by having not only the new homes but the existing homes in such close proximity. There is also a potential for civil litigation due to how wet the land being developed is and how the development will affect the way in which the water will drain. the east side of my property is all ready wet and I have no desire to see it become a swamp. My privacy will definitely be affected. I know this because I have seen trucks and equipment moving on the property in question while I was standing in my kitchen and in my family room. As I am not lawyer my hope is that this statement was done in a format that is acceptable to the board and that they will forgive any errors I have made while creating this. I along with other homeowners in the Liberty Meadows subdivision and homeowners in the Town of New Windsor count upon the Town of New Windsor Planning Board to protect our basic rights from overdevelopment and for privacy. I appeal to the respected members of the board to look at this

from the perspective of fellow homeowners and see that if they do not stop this their homes and the property around them could be next. I thank you for your time. Sincerely, Brian J. Hammer, 672 Beattie Road, Rock Tavern New York."

MR. LENNON: There are no DEC designated wetlands, I'm almost certain, there may be Corps of Engineers wetlands in that area. The last comment was obviously if you have DEC regulated wetlands, you have a hundred foot buffer, there's no hundred foot buffer on the Corps of Engineers buffers but there are no Army Corps of Engineers wetlands that I'm aware of.

MR. PETRO: Where would he been getting his information from?

MS. DEFAO: I'm not too sure. I know he's spoken with a lot of people. When I get to my part of the speech, I will tell you that is wetlands. Again, I'll continue that when I'm done here on his statement.

MR. PETRO: Kind of bothers me you're saying there's a covenant on lot 22 and you're saying there's absolutely not one on lot 22.

MRS. HAMMER: On that paper lot 22 is not on that list but there's also like there's a couple others.

MR. PETRO: You have to state your name.

MRS. HAMMER: Debbie Hammer, 672 Beattie Road.

MS. DEFAO: We have documentation which we don't have with us. We weren't properly prepared receiving very late notice from other neighbors that this was going to happen, but we do have documentation proving that the 11 acre parcel in the 5 1/2 acre parcel could not be subdivided because of the wetlands. The 5 1/2 acre parcel is mine and the 11 acre parcel is that one there.

MR. PETRO: I'd hate to see if you were prepared.

MS. DEFAO: I thank you for your time.

MR. PETRO: Now, you wanted to say something also?

MS. DEFAO: Yes, I do, sir. Again, my name is Julie DeFao and I own the property that's adjacent that runs right along the power lines. I had come in front of the board about a year and a half ago requesting variances to build a barn and to house horses on my property. I really went through an awful lot to prove to the board that my barn, my horses and my fencing would not be a detriment to the image of our town. I had to provide pictures and drawings and maps. Since I did build my barn which I had completed it in October of last year, I have all of my building permits and I also have all of my C.O.'s at this time, however, I can tell you that that land back there once the land is cleared it's so wet I have spent thousands of dollars over the summer putting in drainage and building up around my barn to stop the water from going in and basically drowning my barn. Over the winter because when the ground freezes and then the water and the snow, the runoff comes down from the top of this hill right along the power lines. This is a hill and the water runs down along the power lines and into this very swampy area. My barn is located right here, which I had gotten approval and it's there. And, you know, everything is fine, however, I've had to spend so much money building up the property and even with that, over the winter and with the heavy rains, the water, it just had no place to go and my barn was flooded multiple times. I had spent thousands of dollars again this summer building up the property around my barn to try to divert the water away from it. I had to get sump pumps to pump out the stalls. My horses were standing in ten inches of water and this is all the land here and it's just it's swamp, it truly is. There's no trees there. It's just that junk that grows in swamps, for the most part. And I have seen the water run down the hill. So my concern is once all of that vegetation and all of those trees are pulled down is where the water is going to go. There's not going to be anymore trees or vegetation to keep some of the water from that swamp area. And I am so concerned about my property, the value of my property and also the health and care of my horses. So if all of the water and I have

experienced it, I have seen it, I have walked the water path, if the water is coming down the hill, is it bringing their septic with it also?

MR. LANDER: This water go underneath Route 207 once it gets to 207?

MS. DEFAO: Yes, it does. I have not seen any culvert pipe drainage going under 207 so it basically just sits there. I have actually gone and looked for the culvert pipe to go under 207 and there is none.

MR. LENNON: There's a culvert that goes under 207, I'm not sure I can identify the exact location, there was a narrative submitted as part of the application, I'm not sure.

MR. PETRO: Mark, do you know where it is?

MR. EDSALL: I'm looking at the perc tests. No, I'm not sure where it crosses on 207.

MS. DEFAO: I've walked the property, I've never seen it and the water just sits there and it's coming down from the hill and it's flooding my property. And if that subdivision were to occur, all the vegetation is going to be taken down, which is going to create more flooding for me, which is going to be a detriment to not only my property but also my home.

MR. PETRO: You realize that this is already a building lot so, in other words, if he wants to build one house here, you can close the paper up now, get a building permit in the morning, clear the land off like a pancake and put up a house. You understand that? Everybody knows that?

MS. DEFAO: Yes.

MR. PETRO: You're concerned with the other three houses?

MS. DEFAO: Yeah and also where is the septic going to be draining? Is it going to be draining into where the wetlands are going to be coming down? Water's got to

go somewhere. It's going to come downhill and where is it going to come down? My property's the lowest part of that.

MR. PETRO: Is there a drainage plan?

MR. EDSALL: Yeah, it's two different issues. One is drainage, the other is the sanitary systems. There is a sanitary design drawing sheet 3 which outlines all the design information for the sanitariums. The percolation test shows that for those four locations, there's acceptable conditions for the on-site disposal. I don't recall the exact discussions but I do recall that there was an inability to develop the lower area obviously because that's the area where the water collects and I'm sure that the area is wet, it very likely could be Federal wetlands at the bottom.

MR. LENNON: It's very possible your barn was constructed in Federal wetlands based on the way you're describing the water.

MS. DEFAO: Where the barn is constructed is fine, it's dry ground, it's the other, on the other side of the power lines that land when it overflows because the water can't go anywhere which is effecting my barn. If you walk my property, my property is dry, it's the property on the other side of the power lines that is very, very wet.

MR. LANDER: When you get a lot of rain, it backs up?

MS. DEFAO: Comes up and floods my barn.

MR. LENNON: Nothing has changed on the property before you built your barn, that water was draining there, no one's changed anything to direct the water to go to your property.

MR. PETRO: Well, the point that she makes is correct, once you have the building, you're going to get more water. I'm not saying that, probably a lot of the water does go there now, but you'll certainly get more from blacktop driveways and roof drains.

MR. LENNON: Which is the water that will get directed to the drainage swale along the road and go down to 207, it's less likely to go on that property.

MR. PETRO: That's possible too, I'm going to look into that.

MR. LANDER: We'll look at the drainage and the septic. Our engineer will look at that very closely.

MS. DEFAO: I really went through a very difficult time with the Town Board to prove that my barn and my property would not be an eyesore and a detriment to the community.

MR. LANDER: You needed a variance for that barn?

MS. DEFAO: Yes, I did.

MR. ARGENIO: What was the variance for?

MS. DEFAO: The variance was because I live on a corner piece of property and two--

MR. PETRO: Two front yards.

MS. DEFAO: I wanted to build a five foot fence for the protection of my horses, my side yard which is really my back yard but because it faces 207, the town ordinance said that that's front yard also so I had to go for a variance.

MR. ARGENIO: You did check the wetland limits to make sure your barn was not in the wetlands?

MS. PAYNE: Yes, I did, everything was fine.

MR. PETRO: Let me ask you this, getting back to this Andy also cause I don't understand it, and I will tell you what, I go to page 4 on this little pamphlet says conveyances of restrictions contained herein shall run with the land and bind all persons and future owners of the lot lots as follows 3, 8, 15, 20, 21, 2, 4, 16, 17, 18, 19, then it goes on to the other restrictions that we had talked about. But it doesn't say lot 22. Now,

obviously, the man that wrote this, Mr. Hammer, is obviously intelligent, why does he feel that--

MS. DEFAO: Because we do have other documentation that other than this documentation, actually, I spoke with his wife Debbie and she just forgot to bring that documentation.

MR. LANDER: Where did we get this?

MS. DEFAO: This is part of the deed restrictions.

MR. ARGENIO: Filed in the County?

MRS. HAMMER: This was part of my deed and stuff when I purchased it.

MR. LANDER: You have something else to contradict?

MRS. HAMMER: I have this, I don't have the map with the lot numbers on it.

MR. LANDER: Because lot 6 is missing too.

MR. PETRO: Andy, you must of reviewed it, did you see any other documentation other than that that would make you feel that they can develop this land or can't develop the land, anything other than what we're looking at? We may or may, not should be discussing this now, but it's very important to the lot and even if it's a matter for the Supreme Court, I'm interested myself and I'm sure the board is.

MRS. HAMMER: There's also on the second page of this it says except lot number 6 can be further subdivided, the list on the front does not state number 6.

MR. PETRO: 76 plus or minus acres.

MR. LENNON: It has language in it that might purport to bind the lot, but it doesn't because that lot was not signatory, more importantly, the person who owned that lot, Benmar, I think it was called at the time of the declaration owned a number of the other lots and signed the declaration for those other lots and did not



sign the declaration to apply to this lot. You can't, therefore, infer from that that gee, they meant to and that one was forgotten and the same thing that you have to exercise your property rights, which is a constitutional right subject to the powers of the municipality to regulate it, you went through that process, that's the same thing that we're going through. If there were a private restriction that could stop you that you have a right to exercise that right reference to civil litigation, that's always your right. What I'm saying to you I'd be happy to supply anybody who wants a copy. If the attorney has an issue, I'd be happy to respond best I can and also to those questions that she raised in the statement.

MR. PETRO: All right, sure, go ahead.

MR. LENNON: Just quickly, you mentioned the wetlands, DEC, there are no designated wetlands that we're aware of. Obviously, if someone has proof, they can submit that same thing with the Corps of Engineers wetlands, although we believe like you do that there is a section that Corps of Engineers wetlands which is why we stayed away from it, as you know, there's a requirement to stay a hundred feet away from the Corps of Engineers wetlands, like there is to stay a hundred feet away from a DEC wetlands.

MS. DEFAO: You said you weren't aware of it, does that mean that you just don't know or nobody told you or did you research it?

MR. LENNON: Yeah, the engineer looked at this and putting this together there are no DEC wetlands. If there are maps, you don't have to contact DEC, there are maps that they put out and you look at that and there are no DEC designated wetlands there. If you find the map that we haven't, obviously, it's appropriate to submit it. But I don't think it's fair to just speculate because that's really has happening, it's the same thing.

MS. DEFAO: This isn't speculation, I'm really sorry but it's not speculation. If we would have been notified a little bit earlier than yesterday by a

friend that apparently works within the town that the zoning board is here.

MR. LENNON: It was raised in the June public hearing.

MR. LANDER: We'll have Mr. Edsall check and see if there's any wetlands whether they'd be Federal, State, Army Corps of Engineers, he'll check it and if there is, he will notify us and if you want to, he can notify you also.

MR. PETRO: Let me tell everybody that's here also tonight that we're not going to go ahead with an approval tonight, all right, it's not going to happen tonight, they already know that there's some changes to the site plan that have to be done regardless, so we have time to take everything into consideration and get to the bottom, see if you're right or wrong, if they're right or wrong or if there's no right or wrong, the best course of action. Okay?

MS. DEFAO: Will we be notified?

MR. PETRO: We're going to close the public hearing tonight, so if you want to come to another meeting, that would be fine because we have more than enough, we're going to know what your points of interest are to act on, so I don't think we have to keep a public hearing open, open for a third time.

MS. DEFAO: So you deny him?

MR. PETRO: We're not denying, we're just not doing an approval, there's more to be done with the site plan to start with, even if you weren't here and he can't get an approval tonight, there's more to be done.

MS. DEFAO: So he would have to again--

MR. PETRO: He's going to appear before the board again, you're welcome to come, you won't be able to speak.

MS. DEFAO: We'll be notified of the next public hearing?

MR. PETRO: There's no public hearing, the board meets here every second and fourth Wednesday of the month, so it's very easy to call and get an agenda. If you want to submit anything in writing, we certainly we'll take that in consideration at any time, either the board or the attorney.

MR. LENNON: Mr. Chairman, in the interest of everybody having notice, is it possible Mr. Edsall might have an idea how long it would take to check that we can look to get this on an upcoming agenda so everybody would know tonight? I mean, I don't know when you meet again but--

MR. EDSALL: Well, I on behalf of the Town, we don't do wetlands delineations. I'm going to contact Mr. Brady, I have DEC wetlands mapping, I can certainly check that. But as far as Federal wetlands that's an actual field review designation process, I will speak with Pat Brady about that and I will ask him to depict any wetlands on the map so we can determine if there are encroachments into those areas. What Mr. Lennon said is absolutely true, there's no setback required from Federal wetlands, as long as you're out of the wetlands, you're fine. DEC wetlands you have the hundred foot buffer. But DEC wetlands are very large areas and to my knowledge, there's no designated wetlands on this site but I will doublecheck as far as timing, I'm going to pass that off to Pat Brady, he may be prepared to come back and at the next meeting or it may be the second meeting from now.

MR. PETRO: I can't give you a date, it's not hard, it's a phone number you call.

MR. LENNON: Any meeting that we would be back at is one of your regular meetings already published?

MR. PETRO: Correct, as far as the other matter with no further subdivision, I already have advice of counsel that it is not a matter for the planning board. He's telling us that we can move forward. If you come up with other information that you want to share with the board that would be fine, we'd certainly look at that.

Right now, I don't see anything.

MS. DEFAO: The value of my property and the impact on my property and my animals.

MR. PETRO: You have every right to be, I'm sure you have an investment and you don't want anything to happen to it, but he also has an investment in his property, if it's legal to do what he wants to do, then we have to act upon that. Also, we can't just arbitrarily say no because of any reason. We have to have a serious reason.

MS. DEFAO: So the approval for him to go ahead and do this 4 lot subdivision does negatively affect my property.

MR. PETRO: Such as drainage.

MS. DEFAO: Such as drainage, flooding.

MR. EDSALL: I have that noted.

MR. PETRO: We're going to probably--

MR. EDSALL: I have down here when I speak with Mr. Brady to discuss the drainage. I'm also going to doublecheck some septic issues with him as well as the other comments I had from the previous.

MR. PETRO: We might do a site visit and then maybe redesign some swales to take the water off the property. One point the applicant made that's a very good point because we have run up against this before, I'm not taking anybody's side, just black and white, if he does direct the water, the driveways, the gutters, the roofs down into the 207 side, that would definitely be taking that water away from your property. In other words, he's collecting it and putting it into a different area, he's going to bypass your property so sometimes even in a commercial structure that does help because you're directing the water into a basin of some kind. You follow what I'm saying?

MS. DEFAO: I do but however that's still up on the

hill so we all know that water doesn't run uphill very well, it runs downhill better.

MR. PETRO: I'm sure it would collect something, the road itself, driveways, so whatever it collects, I don't know how many square feet it would be. I don't care if it's one square foot, it would be more than it's doing now.

MR. LANDER: What the Chairman is trying to say the roofs, the driveways will head towards that private road, head down that swale, eventually get to 207. It won't run the other way. There's certain things that we can do to assure you that the vegetation can stay on that, well, the 75 foot buffer that can stay that way.

MS. DEFAO: I understand but the water's coming from where the back of these homes are and running down this hill.

MR. LANDER: If he doesn't change the, for argument's sake, the 75 foot utility easement, if he doesn't do any clearing there, then he's really not changing anything, that's still going where it's going now.

MR. PETRO: It's nature's courses, not--

MR. LANDER: We'll try and give you a buffer, we shouldn't be talking about this at the public hearing, but this is one thing that we can do, require him to have a buffer.

MS. DEFAO: Additional drainage down the back of the property.

MR. PETRO: Our engineer will take a look at that.

MR. LANDER: He'll look at the drainage here, too.

MR. PETRO: Maybe the stone wall, that's a few things that you can do.

MR. LANDER: Like you said, water runs downhill and if he doesn't touch any of this buffer zone, then water's going to continue going that way. We'll do the best he

can do here and like if you have any documentation to support that this lot should not be further subdivided because it's showing here that 22, 6, and I think 14 is not on here, were they built on?

MR. LENNON: 14 was subsequently built on, subdivided.

MR. PETRO: Subdivided and built on.

MS. DEFAO: Right but there are only two lots specifically stated in the documentation that we have at home that we have specifically stated that they could not be subdivided, one was 11 acres and the other parcel was mine.

MR. PETRO: We have those covered pretty good. One other thing you said you had something else?

MS. DEFAO: I don't know, I've said too much already.

MR. PETRO: This fella wants to speak, right, you want to sit down and come back up, other than what you already talked about, you can.

MR. MEACHAM: Michael Meacham, I live at 47 Liberty Drive, I just have a question on the septic and the leach field, it looks like it extends into the right-of-way for the utility company. Now I know the utility companies normally use heavy equipment and vehicles, you can't have a leach field.

MR. PETRO: I don't think it's in there, why don't you show him on the map.

MR. LENNON: Yeah, there's a, gentleman is correct, there's effectively a drafting here and there's a tiny portion of the reserve area that shows within the 75 feet and frankly at that scale, you know, you may be off one or two feet but--

MS. PAYNE: I'm still under the conclusion in the right-of-way also no building of anything that's on the ground or underground because if the utilities come in and decide to take the power lines and put them underground, the leach field is going to be in the way.

MR. PETRO: Fix the leach field out of the right-of-way, that's it.

MS. PAYNE: My second question, how far away from the house does the leach field have to be from that house and what size bedrooms are they putting in these houses to accommodate this leach field? Now you said the water you're going to put the driveway, the gutters, that's all clean water. I'm concerned about the sewer water coming out of the leach field. Now that's all gonna run down the west side of the property. Now what environmental impact is that going to be on everybody's property on the other side of the power lines with wells? All our wells are in the back of there and this property is sloping down that way.

MR. PETRO: Mark, do you want to address that?

MR. EDSALL: Relative to the designs, the design that the engineer submitted for either a two, three or four bedroom residence, so either one can be built once the plans obviously are approved. As far as spacing that's one of the issues that we had asked for was verification of spacing. If your well is downgrade of the sanitary, it's got to be 200 feet away by State Code.

MS. PAYNE: Because my property is exactly in back of this property here and the well is right over here towards the back.

MR. EDSALL: As long as if you're not downgrade but you're just to the side, he only needs to be a hundred feet away and you asked how far the leach field from the house, that only needs to be 20 feet away.

MR. LENNON: Mark, is it correct all of that has to be reviewed by the County Health Department?

MR. EDSALL: Well, this doesn't have to go to the County Health Department because it's not a realty subdivision, once the plans are complete, then we'll make a final review here.

MR. LENNON: That review is under your authority?

MR. EDSALL: Just to give you an idea at current spacing right now of the sanitary system of lot 4 to the property line is of course you've noted a slight drafting encroachment but the actual system not including expansion is 80 feet away. So unless your well is within 20 feet of the property line, they have likely met the state standards.

MS. PAYNE: So they would have to move it over or they can build there? They can make another exception and build on a right-of-way that nobody else can build?

MR. EDSALL: That's not what I said. I said there's obviously an error in the way they have shown the expansion area. They can correct that very easily, it's a 20 second drafting correction. The actual system, the design of the system is 80 feet from the property line which means that if your well is 21 feet away from the property line, they've met the state law.

MS. PAYNE: Now, you said they're going to be four or 3 bedrooms, when will we know what size bedrooms?

MR. EDSALL: What size or number?

MS. PAYNE: What size house?

MR. EDSALL: They won't notify you, they'll apply for a building permit, if it's a three or four bedroom application, it will be processed. If it's more than four bedrooms, you'll have to get a new approval for the sanitary system.

MS. PAYNE: These are approved for three bedrooms?

MR. EDSALL: Three or four. They're not approved yet, but that's what they're asking for.

MS. PAYNE: Because I know the other lots on Liberty Drive, they tried to get four bedrooms and they were not approved.

MR. EDSALL: Some of the original subdivision that were



designed only as three, so they could not get four, these are 3 or 4.

MS. PAYNE: That's a restriction in the deed or subdivision?

MR. EDSALL: It's just the way the application comes, they can show all five bedrooms.

MR. BABCOCK: There's no restriction.

MR. LENNON: You have to meet the septic, so if the soils on someone's lot back then weren't sufficient to handle more than three bedrooms, you can't get four or five or somebody can't come in later and put in more. I mean, your feet are held to the fire on what the standards are.

MS. PAYNE: I have another question. Isn't there a restriction on how far you can build anything to the right-of-way over there from the power lines?

MR. EDSALL: I'm not aware.

MS. PAYNE: Isn't it 10 or 20 feet?

MR. EDSALL: I'm not aware of any, I believe it's a restriction just within the 75 foot.

MR. LENNON: Keeping in mind the power line is an easement, it's not property line. So we have to be so many feet from a property line for well, septic. In this case, however, shouldn't be within that right-of-way. The simplest thing is obviously within the various types of easements that the utilities have you can ask for relief. We're not doing that.

MS. PAYNE: Some of the utility line easements are on people's properties, including my own, extends beyond the utility line. So you see it and it goes back, that's all my property, okay, so that's what we're trying to make the point because I will be watching to make sure there's no encroachments on my property. I wanted to say a lot of owners from other subdivisions couldn't be here because we have a lot of lots that

aren't activated at this time that are being built upon and have not been improved upon so this is a very active community but we're not as large because we still have some unimproved homes.

MR. LANDER: Mr. Edsall, usually that utility easement is 150 feet?

MR. BABCOCK: It's probably 75 feet on each side, I'm sure.

MR. LANDER: The easements usual are 150 feet, so it goes from your property line 75 feet.

MS. PAYNE: No, our property extends passed the easement, we own all of that and we go beyond that.

MR. LANDER: Yes, that's right, well, the easement is constructed on that so that it's 75 feet on your property and 75 on the other adjoining property owner, see what I'm saying, 75 feet both ways gives them 150 feet.

MR. LENNON: It's not where the line is. Some easements used to be established as a function, if they put in the pole and then the easement is 50 feet on each side. This easement is set up as 75 feet on each adjoining property owner. Where that line is actually constructed within the 150 feet, I didn't know, but maybe on your property it may be on this property but an easement is only a right to go in and do something. You still own the property and Mr. Butler still owns on his side and I just, I apologize, but the tax map shows the difference between the property line and the yellow area is the 75 feet on each side of the property line where the utility line easement is.

MR. LANDER: 2,400 square feet is the minimum square footage of a house that you can build these lots now? Only the lots that are stated here and again, there's a couple of numbers that are missing on this document that I have here.

MR. LENNON: That's where I had indicated earlier there are particular restrictions, add value on the

community, correct, Dennis, that we're willing to abide by, we'll put, actually draft a declaration restrictive covenants for your approval for the other types of conditions, put them on these lots as well.

MR. LANDER: Nobody has a satellite dish, do they?

MR. PETRO: Anybody want to speak on a subject that we have not touched upon?

MS. PAYNE: I just want it noted that this is also in my opinion not setting a good precedence as far as dealing with the covenants because a lot of us here have properties that are several acres and right now, that's not giving me have the incentive not to develop on my property, if I see that someone can come in and get under the fence and just do this, then you know that he might set a precedence and other people--

MR. PETRO: Is your lot one of the lots mentioned here?

MS. PAYNE: It may and may not be, a good attorney it may not be.

MR. LANDER: If your lot is 3, 8, 15, 21, 24, 7, 9, 10. 16, 17, 18, 19 says right here that you cannot further subdivide those lots.

MRS. HAMMER: But number 2 on the second page says that you can't subdivide any lot but number 6, number 6 is not on the list.

MR. LENNON: That doesn't bind this lot because this lot is not part of that declaration. I heard this on the radio, I can't remember what context was the statement that everybody's entitled to have their own opinion, but you're not entitled to have your own facts. So what those facts are, if you demonstrate different facts, the lot is either bound by the declaration or by a declaration of a deed. I'd be happy to give you the information if you have an attorney that says it's otherwise, this board will have to consider that or because that's primarily a civil issue, private rights, you have a right to bring an action against the property owner to enforce it.

MR. PETRO: I agree, but we wanted to go over it, I know I was beating a dead horse with it but I really wanted to understand it myself. We already have advice from counsel that we're to continue as if it can be subdivided, but if there's something that we can find from either the public or through the documents I wanted to explore it further but right now, we have not done that.

MR. LANDER: Mrs. Hammer, if you have that, bring it in.

MRS. HAMMER: I believe my husband does, yes.

MR. PETRO: Motion to close the public hearing.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Butler subdivision on Route 207. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Any board members want to say anything else on this site plan? Mark, you're going to--

MR. ARGENIO: I was going to say Mark should have a look at the private road detail, make sure it's in conformance with our code.

MR. PETRO: Mark, I know that you have a lot to do left on this subdivision, but a couple things should be noted, one would be what Jerry just said, secondly, the

drainage on the south side of the property along the easement, I don't know what we can do down there but I definitely want to get some restrictions as far as grading and a buffer.

MR. EDSALL: I've heard some good suggestions from the board members, I'll take a look at it in the field.

MR. PETRO: Possible swale on the property line.

MR. LANDER: Also Mark can we check see if there's a culvert going underneath 207?

MR. ARGENIO: I think that's very important, very important.

MR. LANDER: Especially to the property owners that are there now.

MR. ARGENIO: Everybody.

MR. PETRO: If there's not a culvert, maybe we can make a recommendation to the state to at least look at it.

MR. BABCOCK: There has to be a culvert there between Beattie Road and somewhere in the area, there has to be a culvert, the water has to cross the road.

MR. PETRO: Find the culvert, plot it on the map, give us a flow and direction of the water.

MR. ARGENIO: Size of the culvert, Mr. Chairman, I also think that as you suggested earlier at the very least, we should all make it a point to at least privately get out there and take a look at the area.

MR. LANDER: So noted.

MR. PETRO: Okay.

MR. EDSALL: One item, the shopping list of things that need to be checked here and wetlands designation that Mr. Brady has to prepare has grown quite a bit, obviously, there's a very good likelihood that the deadline that you need to meet following the closure of

the public hearing may or may not be realistic with all the information we have to gather. I'm just wondering so we don't run into a time restriction if the applicant would be willing to waive the deadline with the understanding that obviously we're going to work with your engineer to try and answer all these questions.

MR. LENNON: I know the nice thing to do is say why, of course, but I guess I want to ask if we're, isn't it 45 days, so why can't we be back here in a month then if you need it, I'd--

MR. EDSALL: If they're scheduled to come back here in a month, but it's not--

MR. LENNON: I'll do that but I just think in fairness to the applicant and these folks, let's get the answers and process this.

MR. EDSALL: Myra, make a note that we have to have this at least back on the agenda two meetings from now to either have a, even a communication waiving the deadline or everything resolved or you're going to be stuck taking action. That way you don't want to--

MR. LENNON: Which I don't want to have happen either.

MR. PETRO: This is really dragging. Now, just to go over this, you're going to check on the culvert on 207, give us the direction of the water flow, you're going to take that expansion area that's on lot number 4, you're going to correct that and get it out of the easement, you're going to give us a topo and direction of flow of water on the road and you're going to verify there's no DEC wetlands on the site. Mark, you'll verify that also, I'd like the phone number for Miss DeFao, please, you'll be contacted when we're on the agenda, we'll contact you. This is unusual but we'll do it because we have such a concern.



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY  
and PENNSYLVANIA

□ **Main Office**  
33 Airport Center Drive  
Suite 202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@att.net


□ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhepa@ptd.net

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**PROJECT NAME:** BUTLER MINOR SUBDIVISION  
**PROJECT LOCATION:** NYS RT. 207  
SECTION 52 – BLOCK 1 – LOT 99  
**PROJECT NUMBER:** 01-25  
**DATE:** 26 SEPTEMBER 2001  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 10.8  
ACRE PARCEL INTO FOUR (4) SINGLE-FAMILY RESIDENTIAL  
LOTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE  
28 FEBRUARY 2001 AND 27 JUNE 2001 PLANNING BOARD  
MEETINGS. THE APPLICATION IS BEFORE THE BOARD FOR A  
CONTINUATION OF THE PUBLIC HEARING AT THIS MEETING.

1. The application is before the board at this meeting to continue the public hearing previously started. A question was raised in regard to a possible deed restriction on the application parcel. It is appropriate that this be the first item resolved when discussions resume.
2. If appropriate after completion of the Public Hearing, the Board may wish to discuss a “negative declaration” under SEQRA, for this application.
3. As previously noted, the property is located in the R-1 Zoning District of the Town. The “required” bulk information has been corrected. Some corrections are still needed to the “provided” values.
4. In my 27 June 2001 review comments, I noted several other necessary corrections. Since no new plans could be submitted (since the public hearing was continued), these are still open items. The next plan set submitted should incorporate all the necessary revisions.

Respectfully Submitted,

  
Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

RESULTS OF P.B. MEETING OF: September 26, 2001

PROJECT: Butler Sub- P.H. Continuation P.B.# 01-25

**LEAD AGENCY:**

**NEGATIVE DEC:**

1. AUTHORIZE COORD LETTER: Y\_\_ N\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

2. TAKE LEAD AGENCY: Y\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

Close  
WAIVE PUBLIC HEARING: M) B S) A VOTE: A\_\_ N\_\_ Closed  
WAIVED: Y 5 N 0

SCHEDULE P.H. Y\_\_ N\_\_

SEND TO O.C. PLANNING: Y\_\_

SEND TO DEPT. OF TRANSPORTATION: Y\_\_

REFER TO Z.B.A.: M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

RETURN TO WORK SHOP: YES\_\_ NO\_\_

**APPROVAL:**

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED: \_\_\_\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: Y\_\_ N\_\_

DISCUSSION/APPROVAL CONDITIONS: Topo + direction of water on road  
Andy Krueger reviewed documents for deed restrictions  
and found that the Public Hearing can continue and  
this property is not included in the deed restrictions.  
Mark to review drainage + wetlands  
Take beach field out of the R-O-W  
Locate Culvert on 207 at the map + direction of flow  
Board members are to visit the site at their convenience.  
Need back on Agenda in Oct.



DISCUSSION:

DENNIS BUTLER SUBDIVISION (01-25)

MR. PETRO: Someone here to represent this?

MR. BABCOCK: They came to me, Mr. Chairman, and wanted to, they have that 11 acre lot off 207, they proposed the subdivision. At the public hearing, the neighbors came in and said that they thought it was restricted not to subdivide for another 20 years. The planning board said take it back to your workshop and get it straightened out before you come back. They want to build one house, they want to start to build one house, if that's the end result, they'll have one house on 11 acres, if they would have come to me and got a building permit.

MR. PETRO: It's a left over lot, it was one lot, we just said he couldn't subdivide it again so it's one lot.

MR. BABCOCK: That's correct but they're in the process of subdividing it and they feel that they can prove that they're going to be able to subdivide it. So the law says once they make application to the planning board, they can't do anything without this board's approval so tonight they'd like your approval to build the one house that they are entitled to.

MR. PETRO: Yeah, of course.

MR. EDSALL: However, we should note for the record if they do something in locating the house or improvements that prohibits them from doing something else that they would have liked to do that's their own problem, not this board's.

MR. R. AGENIO: That's implicit.

MR. BABCOCK: One house, no problem?

MR. PETRO: No, it is a building lot, whatever, if we subdivide, you have to place a house somewhere on the lot.

August 22, 2001

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**MR. BABCOCK:** Jim, if they would have came in before they made application to this board, they'd have a building permit.

**MR. PETRO:** Of course.

BUTLER, DENNIS SUBDIVISION (01-25)

MR. PETRO: Proposed four lot residential subdivision for single family homes.

Mr. Steve Drabick appeared before the board for this proposal.

MR. DRABICK: I'll be filling in for Mr. Brady.

MR. PETRO: Proposes subdivision of 10.8 acre parcel into four single family residential lots. This plan was previously reviewed at the 28 February, 2001 planning board meeting.

MR. DRABICK: I'm a licensed surveyor filling in for Mr. Brady representing Mr. Dennis Butler this evening. As mentioned by the Chairman, this application is for proposed four lot subdivision on a 10.8 acre parcel owned by Mr. Butler. The land is located on the southeasterly side of New York State Route 207 just about across the street from the DEC entrance to the Stewart lands. The site sits in an R-1 zone, it will utilize private individual septic systems as well as private individual wells for water and sewage on each of the lots. The site will be accessed by a private road which I believe will be known as Butler Lane being selected. This road will run approximately 700 feet in length and terminate with a cul-de-sac at the end. All the lots will be accessed directly from the private road via driveways from the lots themselves. The existing flow of drainage on this particular site is in a northwesterly direction across the existing lots, as the drainage reaches 207, it runs along the southerly side of 207 and exits the site through an existing 24 inch CMP located about 50 feet westerly of the corner of the property. There aren't any particular structures proposed for the private road. We feel that with the construction of the private road, the drainage will tend to follow the same course as it is now. That's basically it.

MR. PETRO: Someone make a motion for lead agency?

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the that the New Windsor Planning Board declare itself lead agency for the Butler minor subdivision on 207. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: We did that because we did not receive anything back from the lead agency coordination letter. The cul-de-sac, might as well start with that, you have 80 feet, Town requires 100 feet and why was it done like that and can you not get 100 feet, do you know the answer to that?

MR. DRABICK: I don't know why it was done like that but from first appearance here, it looks like we do have enough room to meet the hundred foot.

MR. PETRO: I don't see any reason to make it into 80 when we can get the 100. If you had a hardship where there was rock ledge but I don't see any reason to do that, so try to comply with the 100 foot cul-de-sac. The spacing between the sanitary well on lot 3 was revised, well is now either in the private road right-of-way or very close to being so, so maybe we can tell us where that is.

MR. DRABICK: On lot 3, well, with the increased size of the cul-de-sac, we'll have to move the well back as long as we keep it within ten feet of the right-of-way.

MR. EDSALL: As long as you're offset 10 to 15 feet.

MR. PETRO: And you need separation between the septic and the well.

MR. DRABICK: The system is downhill so we can do it.

MR. PETRO: Hundred feet?

MR. DRABICK: Yes.

MR. PETRO: The Town guidelines, roadside swale should be rip-rap for any slopes over 5 percent, 911 procedure, coordinate the street name with the Town fire inspector. We do have a fire approval on 6/20/2001, but you're still going to have to give it the names.

MR. DRABICK: It was agreed on.

MR. LANDER: Any future plans that you know of for lot 1, further subdivision?

MR. DRABICK: No, there won't be because originally, there's an area that's somewhat wet sits on that and that would preclude any further development of that lot.

MR. LANDER: So we can get a note on the plan to that effect?

MR. DRABICK: Yes.

MR. LANDER: Andy, will that suffice, note on the plan or in the deed no further subdivision lot 1?

MR. KRIEGER: Yeah, you should have it in the deed as well, should make it a condition of approval at such time as the board chooses to approve.

MR. PETRO: This application will be referred to the New York State DOT and that's it, I think if you come up with those items, you have the outlet for the private road roadside swale should be addressed, I think you'll be in good shape, none of them are major increasing the size of the cul-de-sac.

MR. LANDER: Do we have anything from DOT?

MR. PETRO: No.

MR. EDSALL: I needed to refer that over, I'd do that after the public hearing if Steve will get me a couple sets of plans, we can take care of it.

MR. PETRO: At this time, we'll open it up to the public for any input, if someone is here who would like to speak on behalf of this, come forward, state your name and address. On June 14, 2001, 16 envelopes were sent out by the Town of New Windsor. Someone like to speak, not for, but about it or against it? Just state your name and address.

MR. BRIAN HAMMER: It's Brian Hammer, H-A-M-M-E-R, 672 Beattie Road. I believe this is part of the original Liberty Meadows subdivision, is that correct?

MR. DRABICK: That's correct.

MR. HAMMER: We bought our property in June of 1994 and we were sent over by fax originally proposed revised restrictive covenants for the Liberty Meadows subdivision which included that parcel of what they had written down as 11 acres, when you stated that there will be no further subdivision of any lots with the exception of lot 6, which is Liberty Meadows subdivision filed in the County on 81 of 1989 map number 9582 which along with these restrictive covenants said that the lot could not be further subdivided, it's a wetland area, when we bought our property, we were under the impression that there would be no further subdivision of the lot next to ours which is five acres which is a single family house and the 11 acres which runs one lot beyond our property in the back but is clearly visible from our back yard. And also it's very, very wet, that area there, I don't know if anyone from the DEC has looked at it as possibility of wetlands or because it seems like better than half of the property is wet along the power lines. I've had dogs run back in that that I've had to get, they've come back soaking wet covered in mud from the swamp. I don't know if these restrictions--

MR. PETRO: I'd like to go over it.

MR. HAMMER: This is the faxed copy sent to me.

MR. PETRO: You're not aware of this information, correct?

MR. DRABICK: No, I'm not.

MR. HAMMER: This is actually a copy of the deed we filed but also lists in here Liberty Meadows map, map number and it was filed on 81 of 89 as map number and says subject to declarations, covenants and restrictions dated 2/6/92. This is the last breakdown of the subdivision of Liberty Meadows, this proposed lot I believe is what's marked as 11 acres here.

MR. PETRO: Where is lot number 6?

MR. HAMMER: On the Liberty Meadows, our lot is 17, you'd have to look at the map filed with the County on the original subdivision, the only one that we knew of that was allowed to be broken down was large portion which is 46 acres on the end of Liberty Meadows.

MR. LANDER: You're talking about this piece right here?

MR. HAMMER: Yes, that's not subdividable, this is the lot I believe we're talking about 46 acres off the end of Liberty Court which would be allowed to be subdivided but not the 11 acres.

MR. PETRO: Is that the only copy you have?

MR. HAMMER: No, you can have that.

MR. PETRO: I don't want to waste, spend more time on this, I've got a huge agenda, we're going to give this to our attorney, get it resolved, no sense of looking at this until this is resolved because if this is the case, then there's no sense of coming back.

MR. HAMMER: Will that be put back on if it's resolved?

MR. PETRO: We've done this before, we'll table the public hearing.

MR. HAMMER: One other thing, when we were told everyone in the subdivision would have to approve that lot being subdivided and not everyone in the subdivision got a letter that was part of Liberty Meadows subdivision.

MR. PETRO: That would be between you and the applicant, once we decide that it can't be and you all leave and go back to your houses, you can do whatever you want with the applicant, if he says the heck with it.

MR. HAMMER: I find out through people that were sent on the other side as to what happened.

MR. BABCOCK: Mr. Hammer, you got the mailing list, that's a mix, when you're in the understanding that everybody in Liberty Meadows would be notified if somebody wanted to do that that one would be mailing, the mailing that we do is governed by law, what has to be mailed doesn't necessarily mean everybody in Liberty Meadows for this public hearing.

MR. HAMMER: Just according to the covenant.

MR. BABCOCK: Two different things.

MR. HAMMER: As long as one is binding then that's fine.

MR. BABCOCK: They'll discuss that and figure that out.

MR. HAMMER: Appreciate your time, thank you.

MR. PETRO: We're not going, I'm going to end the public hearing here, folks, I'm going to table it because no sense of going forward because it may not, might be just a moot point, everyone understand that? Motion just to table the public hearing.

MR. LANDER: So moved.

MR. ARGENIO: Second it.



MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board table the public hearing for the Dennis Butler subdivision. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. KRIEGER: I'll report to the board for the next meeting.

MR. PETRO: Let's get your name and address please. Why wouldn't this show up?

MR. BABCOCK: They subdivide it over the years, they put a note on the map, we're not aware, we don't go back years and years and years to find out if there's notes and I'm sure Steve is going to do some research himself.

MR. PETRO: How about the title company?

MR. BABCOCK: Maybe that didn't happen.

MR. DRABICK: I'm surprised it didn't show up on the title insurance so that's something we need to look at.

MR. PETRO: Good luck.

MR. BABCOCK: We'll figure it out.



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY  
and PENNSYLVANIA

□ **Main Office**  
33 Airport Center Drive  
Suite 202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@att.net

□ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhpa@ptd.net

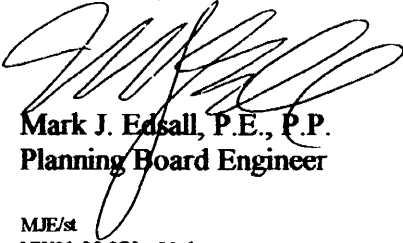
**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**PROJECT NAME:** BUTLER MINOR SUBDIVISION  
**PROJECT LOCATION:** NYS RT. 207  
SECTION 52 – BLOCK 1 – LOT 99  
**PROJECT NUMBER:** 01-25  
**DATE:** 27 JUNE 2001  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 10.8  
ACRE PARCEL INTO FOUR (4) SINGLE-FAMILY RESIDENTIAL  
LOTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE  
28 FEBRUARY 2001 PLANNING BOARD MEETING.

1. The property is located in the R-1 Zoning District of the Town. The “required” bulk information has been corrected. Some corrections are still needed to the “provided” values.
2. I reviewed the initial plan submitted, and noted some corrections needed. Some items remain to be corrected, as follows:
  - a. The private road cul-de-sac is of less diameter than the 100 ft. required in the code. The Planning Board would need to grant a waiver for the 80 ft. currently shown. As well, the final dimension for the right-of-way for the cul-de-sac would need to be determined.
  - b. The spacing between the sanitary and well on lot #3 was revised, but the well now is either in the private road right-of-way or is very close to being so. This should be corrected.
  - c. The private road detail meets Town guidelines, except that the roadside swale should be rip-rap lined for slopes greater than 5%.
  - d. The outlet for the private road roadside swales should be addressed. This will need to be coordinated with the NYSDOT (see next numbered comment).

3. This application will need referral to the NYSDOT. The applicant should provide 3 additional copies of the latest plan to our office for this purpose.
4. Per the Town 911 Procedure, the applicant should coordinate street name assignment and address numbering with the Town Fire Inspector. This should be included on the plans submitted for the next meeting appearance.
5. The Planning Board authorized issuance of a Lead Agency Coordination letter for this project. One was issued and the NYSDOT responded with no objection. I suggest the Board formally assume the position of Lead Agency at this meeting.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW01-25-27Jun01.doc

RESULTS OF P.B. MEETING OF: June 27, 2001

PROJECT: Dennis Butler Sub.

P.B.# 01-25

**LEAD AGENCY:**

**NEGATIVE DEC:**

1. AUTHORIZE COORD LETTER: Y\_\_ N\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

2. TAKE LEAD AGENCY: Y\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

Tabled  
WAIVE PUBLIC HEARING: M) L S) A VOTE: A 4 NO WAIVED: Y ✓ N\_\_

SCHEDULE P.H. Y\_\_ N\_\_

SEND TO O.C. PLANNING: Y\_\_

SEND TO DEPT. OF TRANSPORTATION: Y\_\_

REFER TO Z.B.A.: M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

RETURN TO WORK SHOP: YES\_\_ NO\_\_

APPROVAL:

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED: \_\_\_\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: Y\_\_ N\_\_

DISCUSSION/APPROVAL CONDITIONS:

<u>Bruce Hammer - 682 Brattie Rd - spoke restrictive covenant</u>
<u>496-5465 and wetlands</u>
<u>P.O. Box 132</u>
<u>Rock Tavern, N.Y.</u>





1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

RECEIVED

JUN 20 2001

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

N.W. HIGHWAY DEPT.

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 01-25

Please return  
by 6/25/01

DATE PLAN RECEIVED: RECEIVED

JUN 19 2001

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by \_\_\_\_\_

\_\_\_\_\_ for the building or subdivision of \_\_\_\_\_  
\_\_\_\_\_ has been

reviewed by me and is approved \_\_\_\_\_

disapproved \_\_\_\_\_

If disapproved, please list reason \_\_\_\_\_

Does not apply  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ky K9 6-25-01  
HIGHWAY SUPERINTENDENT DATE

\_\_\_\_\_  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE

PLANNING BOARD : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

-----X  
In the Matter of Application for Site Plan Subdivision of  
Dennis Butler

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

-----X  
STATE OF NEW YORK )  
                              ) SS.:  
COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age  
and reside at <sup>67</sup>350 Bethlehem Road, New Windsor, NY 12553.

On June 14, 2001, I compared the 16 addressed  
envelopes containing the attached Notice of Public Hearing with  
the certified list provided by the Assessor regarding the above  
application for Site Plan/Subdivision and I find that the  
addressees are identical to the list received. I then mailed the  
envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason  
Myra L. Mason, Secretary for  
the Planning Board

Sworn to before me this

14<sup>th</sup> day of June, 192001

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 2001

AFFIMAIL.PLB - DISC#1 P.B.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

June 5, 2001

Dennis Butler  
21 Burnett Way  
Washingtonville, NY 10992

Re: 52-1-99

Dear Mr. Butler,

According to our records, the attached list of property owners are abutting to the above referenced properties.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 the Town Clerk's Office.

Sincerely,

Leslie Cook  
Sole Assessor

LC/bw

CC: Myra Mason, PB



51-1-33.1  
NYS Department of Envir. Conservation  
C/o Orange County Comm. Of Finance  
255-275 Main Street  
Goshen, NY 10924 ✓

George J. Meyers, Supervisor  
Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553 ✓

51-1-55.3  
Irene & Peter Moloney  
4 Sho Gee Court  
Rock Tavern, NY 12575 ✓

Deborah Green, Town Clerk  
Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553 ✓

51-1-56  
Kathleen & John Buckley  
14 Yankee Main Lane  
Goshen, NY 10924 ✓

Andrew Krieger, ESQ  
219 Quassaick Ave  
New Windsor, NY 12553 ✓

51-1-106.2  
Micheal Setteducato  
11 Hampton Court  
Rock Tavern, NY 12575 ✓

James Petro, Chairman  
Planning Board  
555 Union Ave  
New Windsor, NY 12553 ✓

51-1-106.3  
Kimberly & James Sgandurra  
46 Hampton Court  
Rock Tavern, NY 12575 ✓

Mark J. Edsall, P.E.  
McGoey and Hauser  
Consulting Engineers, P.C.  
33 Airport Center Drive  
Suite 202  
New Windsor, NY 12553 ✓

52-1-3.22  
Frederick Lange  
1733 Little Britain Rd  
Rock Tavern, NY 12575 ✓

52-1-96  
Monique & Micheal Meacham  
47 Liberty Drive  
Rock Tavern, NY 12575 ✓

52-1-93  
Gregory & Debra McCarthy Payne  
39 Liberty Drive  
Rock Tavern, NY 12575 ✓

52-1-95  
Joseph Defeo & Julia Bechtel  
680 Beattie Road  
Rock Tavern, NY 12575 ✓

52-1-97  
Thomas Baldassare  
2 Sparrowbush Road  
Mahwah, NJ 07430 ✓

52-1-98  
Maryann & Stefano Masi  
4 Squire Crt.  
Mahwah, NJ 07430 ✓

16

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the  
TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a  
PUBLIC HEARING AT Town Hall, 555 Union Avenue, New Windsor, New York  
on JUNE 27, 2001 at 7:30 P.M. on the approval of the  
date

proposed ☐ SITE PLAN / ☒ SUBDIVISION / ☐ SPECIAL PERMIT approval

for DENNIS BUTLER SUBDIVISION located at SOUTHEAST  
name of project  
SIDE OF U.S. ROUTE 207 Tax Map # 52, 1, 99  
Address of project section, block, lot

Map of the project is on file and may be inspected at the PLANNING BOARD  
OFFICE, Town Hall, 555 Union Avenue, New Windsor, NY prior to Public  
Hearing.

JUNE 12, 2001  
Date

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr., Chairman

**BRADY  
ENGINEERING**

**POST OFFICE BOX 482  
WALDEN, N.Y. 12586-0482**

**Civil/Environmental Services**

**(845) 778-4006**

May 25, 2001

Ms. Myra Mason, Secretary  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, N.Y. 12553

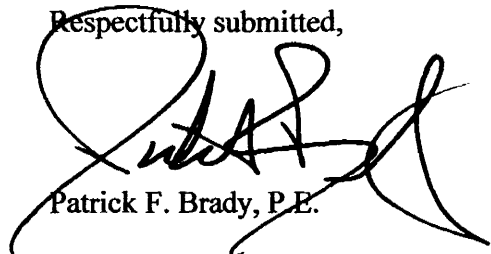
Re: Butler - Subdivision  
N.Y.S. Route 207  
Town of New Windsor (52-1-99)  
Project # 01-25

Dear Ms. Mason:

I would like to order the mailing list for the public notification of the above noted project. As per our conversation, I have attached a check in the amount of \$ 25.00 for processing the notification list.

Thank you for your time and consideration in this matter. If you have any questions please feel free to call at your convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patrick F. Brady', is written over the typed name. The signature is stylized with a large loop at the beginning and a long, sweeping tail.

Patrick F. Brady, P.E.

Cc: Dennis Butler

5/30/01 *MD*

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## REQUEST FOR NOTIFICATION LIST



DATE: 5-30-01

1763

NAME: Dennis Butler

TELE: ( ) 778-4006

ADDRESS: 21 Burnett Way  
Washingtonville, NY

*Please call Pat Brady  
when list is finished*

TAX MAP NUMBER: SEC. 52, BLOCK 1, LOT 99  
SEC. \_\_\_\_\_, BLOCK \_\_\_\_\_, LOT \_\_\_\_\_  
SEC. \_\_\_\_\_, BLOCK \_\_\_\_\_, LOT \_\_\_\_\_

PUBLIC HEARING DATE (IF KNOWN): \_\_\_\_\_

THIS PUBLIC HEARING IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD:

SITE PLAN & SUBDIVISIONS:

(LIST WILL CONSIST OF ABUTTING  
PROPERTY OWNERS AND ACROSS ANY STREET)

☒ YES

~~SPECIAL PERMIT ONLY:~~

~~(LIST WILL CONSIST OF ALL PROPERTY  
OWNERS WITHIN 500 FEET)~~

~~☐ YES~~

~~AGRICULTURAL DISTRICT:~~

~~(LIST WILL CONSIST OF ALL PROPERTY OWNERS  
WITHIN THE AG DIST. WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT)~~

~~YES~~

\*\*\*\*\*

NEW WINDSOR ZONING BOARD:

~~(LIST WILL CONSIST OF ALL PROPERTY  
OWNERS WITHIN 500 FEET)~~

~~☐ YES~~

\*\*\*\*\*

AMOUNT OF DEPOSIT \$ 25.00

TOTAL CHARGE \$ \_\_\_\_\_

RESULTS OF P.B. MEETING OF: February 28, 2001

PROJECT: Butler, Dennis Sub. P.B.#

**LEAD AGENCY:**

*Need New Plans before sending*

1. AUTHORIZE COORD LETTER: Y ☒ N ☐

2. ~~TAK~~ LEAD AGENCY: Y ☐ N ☒ *Letter*

**NEGATIVE DEC:**

M) ☐ S) ☐ VOTE: A ☐ N ☐

CARRIED: YES ☐ NO ☐

M) ☒ S) ☐ L VOTE: A ☒ N ☐ 0

CARRIED: YES ☒ NO ☐

WAIVE PUBLIC HEARING: M) ☒ S) ☐ L VOTE: A ☒ N ☐ 0 WAIVED: Y ☐ N ☒

SCHEDULE P.H. Y ☒ N ☐

SEND TO O.C. PLANNING: Y ☐

SEND TO DEPT. OF TRANSPORTATION: Y ☐

REFER TO Z.B.A.: M) ☐ S) ☐ VOTE: A ☐ N ☐

RETURN TO WORK SHOP: YES ☐ NO ☐

**APPROVAL:**

M) ☐ S) ☐ VOTE: A ☐ N ☐ APPROVED: \_\_\_\_\_

M) ☐ S) ☐ VOTE: A ☐ N ☐ APPROVED CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: Y ☐ N ☐

**DISCUSSION/APPROVAL CONDITIONS:**

<i>Mark to witness perk test</i>
<i>Address Mark's comments</i>
<i>Need new plan before sending Coord. Letter</i>
<i>Need " " " " Pub. Hearing</i>



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY  
and PENNSYLVANIA

□ **Main Office**  
33 Airport Center Drive  
Suite 202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@att.net

□ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhpa@ptd.net

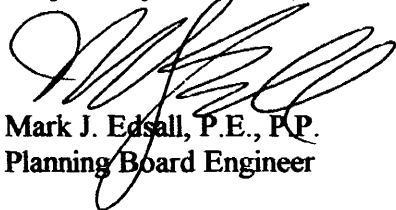
**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** BUTLER MINOR SUBDIVISION  
**PROJECT LOCATION:** NYS RT. 207  
SECTION 52 – BLOCK 1 – LOT 99  
**PROJECT NUMBER:** 01-25  
**DATE:** 28 FEBRUARY 2001  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 10.8  
ACRE PARCEL INTO FOUR (4) SINGLE-FAMILY RESIDENTIAL  
LOTS. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The property is located in the R-1 Zoning District of the Town. The “required bulk information is correct, with the exception of two items. The FAR value is ”n/a”, and the Min. Livable Area should be 1200 sf. The “required” bulk information shown in the table appears to require several corrections.
2. The subdivision appears generally acceptable, although a couple concerns are noted as follows:
  - a. The spacing between the sanitary and well on lot #3 seems inadequate.
  - b. The soils test data (percolation and deep tests) must be added to the plan.
  - c. Typical details for the SDS and well should be added to the plan.
  - d. The private road profile provides existing grade, but no proposed grade.
  - e. If rough grading is proposed for construction of the private road, proposed contours should be added to the plan.
  - f. The outlet for the private road roadside swales should be addressed. This will need to be coordinated with the NYSDOT (see next comment).
3. This application will need referral to the NYSDOT. At this time, I do not believe adequate information is on the plan for this referral. Once a Preliminary grade plan is submitted, I will forward same to the NYSDOT Permit office for comment.

4. Per the Town 911 Procedure, the applicant should coordinate street name assignment and address numbering with the Town Fire Inspector. This should be included on the Preliminary Plan.
5. The Planning Board may wish to assume to authorize a Lead Agency Coordination letter for this project. I believe the only other involved agency is NYSDOT.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW01-25-28Feb01.doc

REGULAR ITEMS:

BUTLER, DENNIS SUBDIVISION (01-25)

Mr. Patrick Brady appeared before the board for this proposal.

MR. PETRO: Application proposes subdivision of 10.8 acre parcel into four single family residential lots. The plan was reviewed on concept basis only.

MR. BRADY: As you say here first time in a sketch format, the property is located on New York State Route 207 southerly side, actually, it's a cross from the entrance to the DEC, I guess the entrance to where they have their--

MR. LANDER: Bicycle trails.

MR. BRADY: Yeah, hunting preserve. This was an existing lot of a subdivision that was along 207, Beattie Road and Liberty Drive. As you can see, we're proposing four lots going to be served by individual wells and septics, propose the first lot is four acres, then we have 2 one acre lots and rear lot is four acres. One of the main reasons for this particular configuration is this front area here is fairly wet, you'll see a stone wall that comes across this site just below the or to the west of the first proposed house, that area in there is very wet, wasn't suitable for on-site septic system and we had gone out and done soil testing deep hole testing for the location of the four septic systems proposed and they were the ideal spots. Additionally, at the top, we were limited in areas, actually, there's a section up in here that's shown on the Federal Wetland Inventory Map as a potential wetland area and we're in the process of just having it marked off for future reference. But basically, what you see here is probably the most that this property will yield based on soil testing and placement of septics.

MR. LANDER: Lot 1 doesn't have any, I know you said it was wet, but not flagged?



MR. BRADY: Not showing up on any Federal maps or DEC maps, there is a wetland, yes, does it fall into army Corps' jurisdiction, as the rules have changed, I would say not. But we're not affecting any of those areas anyway. I guess basically what my two questions to the board would be, one, we do have to go and finish some perc tests and I didn't know if the board would like the Town engineer to witness or if I can just proceed as we have been and the other thing is if this project would require a public hearing.

MR. PETRO: I'd like to see him witness the perc test, if you don't mind out in that area, I feel comfortable if he's there and then later on, if there ever is a problem, we know what you did.

MR. EDSALL: We can have someone go out, we have coordinated with Pat on other ones.

MR. PETRO: Application needs referral to New York State DOT. I don't believe there's adequate information on the plan. So number 2 also there's six or seven items, I'm not going to go over every one of them, why don't you take Mark's list, this is only a preliminary or concept. Anybody have any major objection to this subdivision? I don't think so. Planning board may wish to authorize lead agency coordination letter for this project, which would go to New York State DOT, so I think that we can authorize that. Do you want that in the form of a motion?

MR. EDSALL: Yeah, normally.

MR. PETRO: Motion to authorize lead agency coordination letter.

MR. BRESNAN: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize lead agency coordination letter for this project. Any other comments from any of the members? If not, roll call.

ROLL CALL

MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: When you read Mark's comments next time you come, I'd like to see A through F not be on here and obviously, number 3 would disappear and gentlemen, what else do you want to talk about now while we have them here? I think if he addresses some of these comments, we do have the fire inspector says contact fire inspector with the street name for the roadway, after you do that, and get the 911 numbering done, we probably have an approval from him.

MR. LANDER: Driveway on lot 1, that will work with the private road, won't be too steep?

MR. BRADY: No, actually sheet 2, we have the profile for the private road. The driveway was just shown there, we'll make the driveway work, show some grading.

MR. LANDER: Right, because you have to have 25 feet on top of the flat area anyway. The septic is probably going to be close.

MR. PETRO: Just lay it out so it works.

MR. EDSALL: The other thing you can discuss if you think it's appropriate whether or not you believe a public hearing would be necessary. This is one of the, is a minor subdivision, it's optional.

MR. PETRO: I think we'll have one, that's my opinion but being it's 4 lots and there's other residential areas and might be a water problem, might be potential wetlands, could be a swale going into the property, you're going to clog it up, somebody will be screaming here later, we'll have a public hearing, get input.

MR. LANDER: How is the sight distance towards the east on 207 going back towards Stewart?

MR. BRADY: It's very good.

MR. BABCOCK: It's right across from the DEC check station, the other side of the road is very difficult coming out of there, but this side is pretty clear there.

MR. BRADY: I would say probably in excess of 500, 600 feet.

MR. LANDER: Okay.

MR. PETRO: Feel the plan is far enough along to schedule the public hearing?

MR. EDSALL: Actually, there's, I mean if you want to authorize it and once I'm sure that Pat's going to add all these things for the preliminary plan anyway, you know, we could then once the plan's complete, just have them go ahead and schedule with Myra. It's up to you. There's not a lot to be added.

MR. PETRO: Okay, motion to have a public hearing?

MR. BRESNAN: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a public hearing for the Butler minor subdivision on Route 207. Is there any further comments from the board members? If not, roll call.

ROLL CALL

MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Once you get everything in order, contact Myra, she'll get you going on the public hearing, lead coordination letter will have to go out and that's it.

February 28, 2001

14

MR. BRADY: Thank you very much.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/26/2001

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**ESCROW**

FOR PROJECT NUMBER: 1-25  
NAME: BUTLER, DENNIS SUBDIVISION  
APPLICANT: BUTLER, DENNIS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
02/23/2001	REC. CK. #614	PAID		600.00	
		TOTAL:	0.00	600.00	-600.00

*P. Zappala*

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#144-2001**

02/26/2001

Butler, Dennis S. *#01-25 Application Fee*

Received \$ 50.00 for Planning Board Fees, on 02/26/2001. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

**INTER-OFFICE CORRESPONDENCE**

**TO: Town Planning Board**

**FROM: Town Fire Inspector**

**SUBJECT: Butler Subdivision**

**DATE: February 6, 2002**

**Planning Board Reference Number: PB-01-25**

**Dated: 5 February 2002**

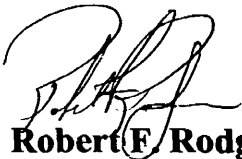
**Fire Prevention Reference Number: FPS-02-008**

**A review of the above referenced subject subdivision plan was conducted on 5 February 2002.**

**On sheet 1, the roadway name is referred to on Butler Road and on sheet 2 it is Butler Lane. When I spoke to Mr. Butler he indicated Butler Lane. Please have the first sheet changed to read Butler Lane.**

**When this is completed, this subdivision plan will be acceptable.**

**Plans Dated: 20 January 2002.**



**Robert F. Rodgers**

**RFR/dh**

**INTER-OFFICE CORRESPONDENCE**

**TO: Town Planning Board**

**FROM: Town Fire Inspector**

**DATE: June 20, 2001**

**SUBJECT: Dennis Butler**

**Planning Board Reference Number: PB-01-25**

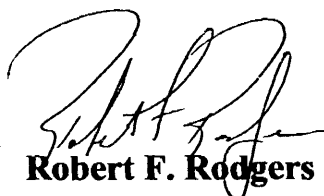
**Dated: 19 June 2001**

**Fire Prevention Reference Number: FPS-01-040**

**A review of the above referenced site plan was conducted on 19 June 2001.**

**This site plan is acceptable.**

**Plans Dated: 2 June 2001 Revision 1**



**Robert F. Rodgers**





1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: **01-25**

DATE PLAN RECEIVED: \_\_\_\_\_ RECEIVED \_\_\_\_\_

JUN 19 2001

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

Dennis Butler has been

reviewed by me and is approved ☒

~~disapproved~~ \_\_\_\_\_

~~If disapproved, please list reason~~ \_\_\_\_\_

There is no town water in this area

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT DATE

Stan D. J. 6-20-01  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

1 March 2001

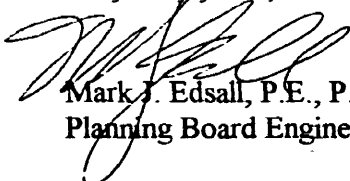
**SUBJECT: BUTLER MINOR SUBDIVISION  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
(NWPB REF. NO. 01-25)**

To all Involved Agencies:

The Town of New Windsor Planning Board has had placed before it an application for Subdivision approval of the Butler Minor Subdivision project, located on NYS Rt. 207 within the Town. The project involves, in general, the subdivision of a 10.8-acre parcel into 4 single-family residential lots. It is the opinion of the Town of New Windsor Planning Board that the action is an Unlisted Action under SEQRA. This letter is written as a request for Lead Agency Coordination as required under Part 617 of the Environmental Conservation Law.

A letter of response with regard to your interest in the position of Lead Agency, as defined by Part 617, Title 6 of the Environmental Conservation Law and the SEQRA review process, sent to the Planning Board at the above address, attention of Mark J. Edsall, P.E., Planning Board Engineer (contact person), would be most appreciated. Should no other involved agency desire the Lead Agency position; it is the desire of the Town of New Windsor Planning Board to assume such role. Should the Planning Board fail to receive a written response requesting Lead Agency within thirty (30) days, it will be understood that you do not have an interest in the Lead Agency position. Thank you for your attention to this matter. Should you have any questions regarding this notice, please feel free to contact the undersigned at the above number or (845) 567-3100.

Very truly yours,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

NYS Department of Transportation, Poughkeepsie  
George J. Meyers, Town of New Windsor Supervisor (w/o encl)  
Town of New Windsor Town Clerk (w/o encl)  
Myra Mason, Planning Board Secretary  
Planning Board Attorney (w/o encl)  
Applicant (w/o encl)

NW01-25-LA Coord Letter.doc



STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
4 BURNETT BOULEVARD  
POUGHKEEPSIE, N.Y. 12603

ROBERT A. DENNISON III, P.E.  
REGIONAL DIRECTOR

JOSEPH H. BOARDMAN  
COMMISSIONER

March 20, 2001

Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, New York 10956

Dear Members,

RE: STATE ENVIRONMENTAL QUALITY REVIEW  
Butler Minor Subdivision  
New Windsor, Orange County



This Department has no objection to the Town of New Windsor Planning Board assuming the role of lead agency for this action.



We have reviewed the Environmental Assessment Form (EAF) and find the estimated number of vehicular trips to be accurate.



If a traffic study is prepared for the proposed project, please forward a copy to us for review.



Please be aware that a state Highway Work Permit will be required for any curb cuts and/or work within NYS Route 207 right-of-way.

Very Truly Yours,

  
Adrienne G. Bautista  
Civil Engineer I

P.B. # 01-25

CC: ME

**INTER-OFFICE CORRESPONCE**

**TO: Town Planning Board**

**FROM: Town Fire Inspector**

**DATE: February 26, 2001**

**SUBJECT: Dennis Butler Subdivision**

Planning Board Reference Number: PB-01-25

Dated: 23 February 2001

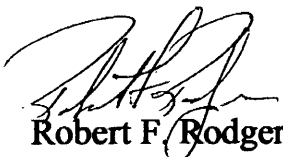
Fire Prevention Reference Number: FPS-01-012

A review of the above referenced subject subdivision plan was conducted on 26 February 2001.

Please have the owner contact my office with a street name for the roadway. The name selected may not be similar sounding to any present road name.

This subdivision plan is acceptable.

Plans Dated: 25 October 2000.



Robert F. Rodgers  
Fire Inspector



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., ~~WATER~~, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 01-25

DATE PLAN RECEIVED: RECEIVED

FEB 23 2001

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

Dennis Butler has been

reviewed by me and is approved ☒

~~disapproved~~ \_\_\_\_\_

~~If disapproved, please list reason~~ \_\_\_\_\_

There is no town water in this area.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT DATE

John D. D. O. - 2-27-01  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF N.W. P/B #     

WORK SESSION DATE: 7 Feb 2001 APPLICANT RESUB.  
REQUIRED: Full later

REAPPEARANCE AT W/S REQUESTED: Later

PROJECT NAME: Butler Minor Sub.

PROJECT STATUS: NEW X OLD     

REPRESENTATIVE PRESENT: Pat Brady / Jennie Butler

MUNIC REPS PRESENT: BLDG INSP.       
FIRE INSP. X  
ENGINEER X  
PLANNER       
P/B CHMN.       
OTHER (Specify)     

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- 207 opposite hunting (det)
- next to Hampton Ct.
- Possible Nagard remainder lot.
- P/a 4 lot sub. slope of 10% +/-
- SEDNA - word letter - referral to DOT

Pass Agenda end month 2/8

also has access via Hampton see Hampton lot

CLOSING STATUS

- Set for agenda  
     possible agenda item  
     Discussion item for agenda  
     ZBA referral on agenda  
     Approval Box ☺

pbwsform 10MJE98

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4615  
Fax: (914) 563-4693

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision ☒ Lot Line Change ☐ Site Plan ☐ Special Permit ☐

Tax Map Designation: Sec. 52 Block 1 Lot 99

BUILDING DEPARTMENT REFERRAL NUMBER 2001 - 0049

1. Name of Project DENNIS BUTLER

2. Owner of Record DENNIS BUTLER Phone 496-5187

Address: 21 BURNETT WAY WASHINGTONVILLE N.Y. 10992  
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant SAME Phone \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan PATRICK BRADY, P.E. Phone 778-4006

Address: P.O. Box 482 WARREN, N.Y. 12586  
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney — Phone \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

PATRICK BRADY 778-4006  
(Name) (Phone)

7. Project Location: On the SOUTHERLY side of N.Y.S. RTE 287 400' feet  
(Direction) (Street) (No.)  
EAST of BEATTIE ROAD  
(Direction) (Street)

8. Project Data: Acreage 10.8 Zone R-1 School Dist. WASHINGTONVILLE

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No ✓

**\*This information can be verified in the Assessor's Office.**

**\*If you answer yes to question 9, please complete the attached Agricultural Data Statement.**

10. Description of Project: (Use, Size, Number of Lots, etc.) 4 LOT SUBDIVISION  
OF 10.8 ACRES, INTO RESIDENTIAL LOTS.

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes \_\_\_\_\_ no ✓

12. Has a Special Permit previously been granted for this property? yes \_\_\_\_\_ no ✓

**ACKNOWLEDGMENT:**

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

22 DAY OF February 192001

Dennis A. Butler  
APPLICANT'S SIGNATURE

[Signature]  
NOTARY PUBLIC

Dennis A. Butler  
Please Print Applicant's Name as Signed

JENNIFER MEAD  
Notary Public, State Of New York

\*\*\*\*\* No: 0145000004 \*\*\*\*\*  
Qualified in Orange County  
Commission Expires 10/30/2002

TOWN USE ONLY:  
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FEB 23 2001

DATE APPLICATION RECEIVED

**01-25**

APPLICATION NUMBER



**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

DENNIS BUTLER, deposes and says that he resides  
(OWNER)  
at 21 BURNETT Way, Washingtonville in the County of ORANGE  
(OWNER'S ADDRESS)  
and State of NEW YORK and that he is the owner of property tax map  
(Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_)  
designation number (Sec. 52 Block 1 Lot 99) which is the premises described in  
the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

PATRICK BRADY, P.E. P.O. BOX 482, WALDEN, N.Y. 12586  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date:

2/22/01

Dennis A. Butler \*  
Owner's Signature

Witness' Signature

[Signature]

Applicant's Signature if different than owner

Representative's Signature


**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR  
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO  
REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

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FEB 23 2001

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**TOWN NEW WINDSOR PLANNING BOARD  
SUBDIVISION/LOT LINE CHANGE CHECKLIST**

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

1. ☒ Name and address of Applicant.
- \* 2. ☒ Name and address of Owner.
3. ☒ Subdivision name and location
4. ☒ Provide 4" wide X 2" high box **(IN THE LOWEST RIGHT CORNER OF THE PLAN)** for use by Planning Board in affixing Stamp of Approval.  
**(ON ALL PAGES OF SUBDIVISION PLAN)**  
  
SAMPLE: 
5. ☒ Tax Map Data (Section, Block & Lot).
6. ☒ Location Map at a scale of 1" = 2,000 ft.
7. ☒ Zoning table showing what is required in the particular zone and what applicant is proposing.
8. ☒ Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
9. ☒ Date of plat preparation and/or date of any plat revisions.
10. ☒ Scale the plat is drawn to and North arrow.
11. ☒ Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
12. ☒ Surveyor's certificate.
13. ☒ Surveyor's seal and signature.
14. ☒ Name of adjoining owners.
15. ☒ Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.
- \* 16. ☒ Flood land boundaries.
17. ☒ A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
18. ☒ Final metes and bounds.

19. ✓ Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
20. ✓ Include existing or proposed easements.
21. ✓ Right-of-way widths.
22. ✓ Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
23. ✓ Lot area (in square feet for each lot less than 2 acres).
24. ✓ Number the lots including residual lot.
25. ✓ Show any existing waterways.
- \*26. ✓ A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
27. ✓ Applicable note pertaining to owners review and concurrence with plat together with owners signature.
28. ✓ Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
29. ✓ Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
30. ✓ Show all and proposed on-site A septic system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
31. ✓ Provide A septic system design notes as required by the Town of New Windsor.
32. ✓ Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
33. ✓ Indicate percentage and direction of grade.
34. ✓ Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
35. NA Indicate location of street or area lighting (if required).

**REFERRING TO QUESTION 9 ON THE APPLICATION FORM, IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:**

36.            Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
37.            A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

APrior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

**PREPARER'S ACKNOWLEDGMENT:**

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY:  2/18/01  
Licensed Professional \_\_\_\_\_ Date

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. <del>APPLICANT</del> <b>SPONSOR</b> <b>DENNIS BUTLER</b>	2. PROJECT NAME <b>DENNIS BUTLER</b>
3. PROJECT LOCATION: Municipality <b>TOWN OF NEW WINSOR</b> County <b>ORANGE</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>SOUTHERLY SIDE OF RTE 207, 400'± EAST OF BEATTIE ROAD.</b>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>SUBDIVISION OF 10.8 ACRES INTO 4 RESIDENTIAL BUILDING LOTS.</b>	
7. AMOUNT OF LAND AFFECTED: Initially <b>10.8</b> acres Ultimately <b>10.8</b> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <b>R-1 - SINGLE FAMILY RESIDENTIAL</b>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <b>PLANNING BOARD APPROVAL - SUBDIVISION</b> <b>N.Y.S. D.O.T APPROVAL - HWY ENTRANCE</b>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/Sponsor name: <b>PATRICK BRADY, RE. PROJECT ENGINEER</b> Date: <b>2/18/01</b>	
Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

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**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☐ No If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

\_\_\_\_\_  
Date

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FEB 23 2001

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REC'D  
"XX"

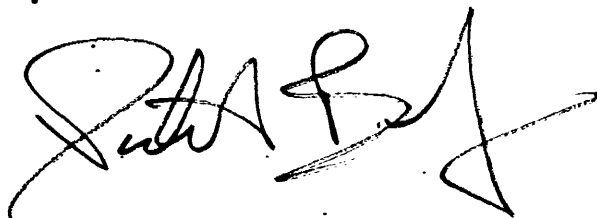
## ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance ☒

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

PROPERTY IS NOT IN A FLOOD ZONE

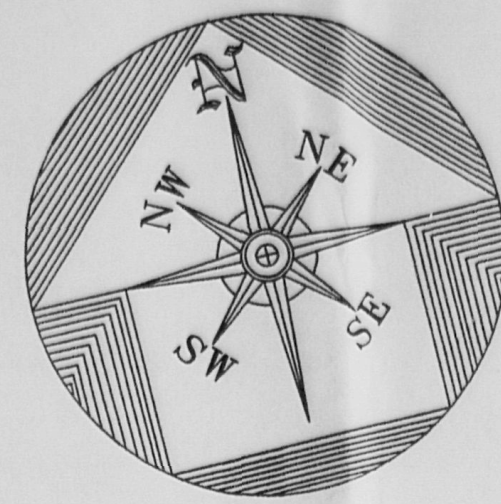
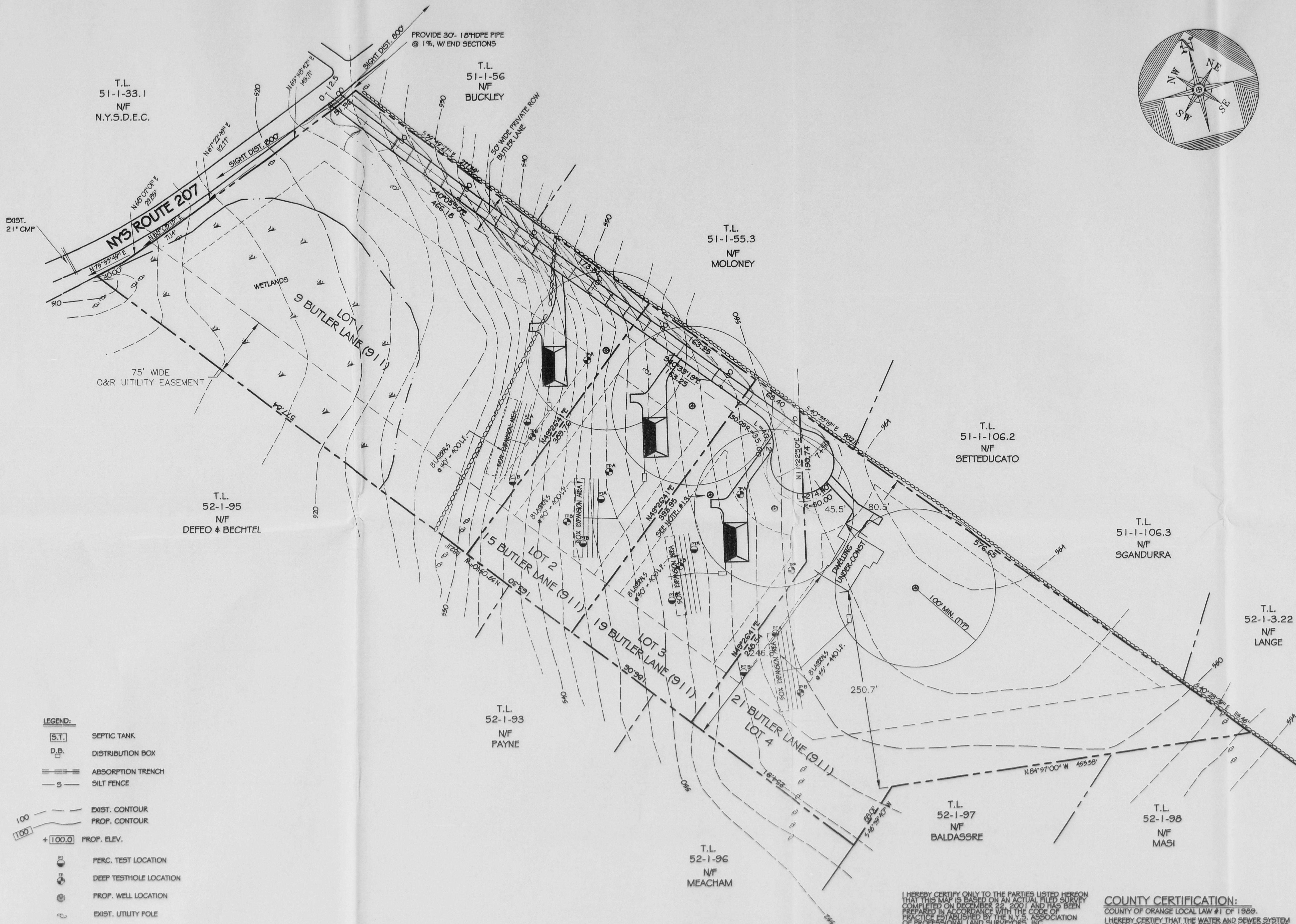
A handwritten signature in black ink, appearing to read "S. A. B.", is written over the printed text.

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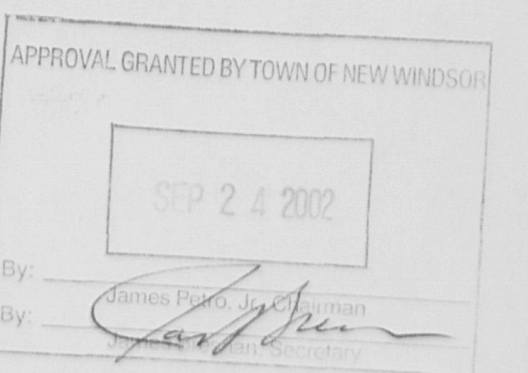




- NOTES:**
1. THIS IS A SUBDIVISION OF LOT 99, BLK 1, SEC. 52, AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP.
  2. AREA OF TRACT: 11.163 ACRES
  3. ZONING DISTRICT: R-1
  4. NUMBER OF LOTS: 4
  5. RECORD OWNER: DENNIS BUTLER  
21 BURNETT WAY  
WASHINGTONVILLE, N.Y. 10992
  6. APPLICANT: DENNIS BUTLER  
21 BURNETT WAY  
WASHINGTONVILLE, N.Y. 10992
  7. TOPOGRAPHY: DATUM - APPROX. U.S.G.S.  
CONTOUR INTERVAL - 2 FT.
  8. WATER SUPPLY: INDIVIDUAL WELLS
  9. SANITARY SEWAGE DISPOSAL: SUBSURFACE SANITARY DISPOSAL SYSTEMS
  10. ALL SANITARY SEWAGE DISPOSAL SYSTEMS SHALL BE DESIGNATED AND CONSTRUCTED IN ACCORDANCE WITH NEW YORK STATE DEPARTMENT OF HEALTH STANDARDS AND THE PROVISIONS OF THE PUBLIC HEALTH LAW.
  11. ALL SANITARY SEWAGE DISPOSAL SYSTEMS SHALL BE DESIGNED BY A NEW YORK STATE LICENSED DESIGN PROFESSIONAL AND APPROVED BY THE TOWN OF NEW WINDSOR BUILDING INSPECTOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. THE SYSTEM SHALL BE INSPECTED DURING CONSTRUCTION AND CERTIFIED AS TO CONFORMANCE TO DESIGN BY THE DESIGN PROFESSIONAL PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
  12. THE PRIVATE ROAD SHALL HAVE PROVISIONS FOR THE MAINTENANCE OF THE PRIVATE ROAD, DRAINAGE FACILITIES AND OTHER IMPROVEMENTS INCORPORATED IN A MAINTENANCE DECLARATION OR AGREEMENT WHICH SHALL BE RECORDED IN THE ORANGE COUNTY CLERK'S OFFICE AT THE TIME OF FILING OF THE SUBDIVISION PLAT AND PRIOR TO THE TRANSFER OF ANY SUBDIVISION LOT (WITH A COPY OF THE RECORDED DOCUMENT SUBMITTED TO THE TOWN CLERK FOR FILE).
  13. EXISTING WELL SHALL BE ABANDONED PRIOR TO ISSUANCE OF A C.O. THE WELL SHALL BE FILLED WITH CLEAN GRAVEL TO WITHIN 25' OF THE SURFACE. THEN CONCRETE SHALL BE POURED TO THE TOP OF THE CASING. THE CASING SHALL BE CUT BELOW GRADE AND CAPPED.
  14. ALL UTILITIES SHALL BE UNDERGROUND. EXISTING UTILITY POLES SHALL BE ABANDONED.
  15. ALL SURFACE DRAINAGE, FOOTING AND ROOF LEADER DRAINS SHALL DISCHARGE TO THE ROADSIDE SWALE OF THE PRIVATE ROAD.
  16. ALL LOTS SHALL ACCESS N.Y.S. ROUTE 207 BY WAY OF THE PRIVATE ROAD, AS SHOWN.

#### REVISIONS

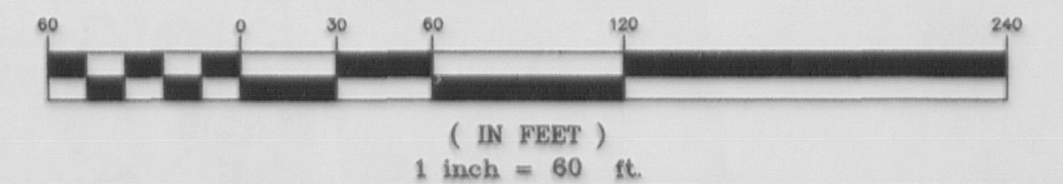
- REV. 6/20/01 - ADDED SDS INFO, ADJ BULK TABLE, ADDED NOTE 13, ADDED PROP. GRADES.
- REV. 1/20/02 - TOWN ENG'S COMMENTS.
- REV. 3/14/02 - ADDED 91' ADDRESS, SIGHT DIST & NOTES 14-15.
- REV. 4/29/02 - CHGD NOTE 15 & ADDED NOTE 16



FOR USE BY THE  
TOWN OF NEW WINDSOR PLANNING BOARD

### SUBDIVISION PLAT FOR DENNIS BUTLER

LOCATED IN  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK  
GRAPHIC SCALE



**BRADY  
ENGINEERING**  
CONSULTING ENGINEER  
POST OFFICE BOX 482, WALDEN, N.Y. 12586  
TEL/FAX (845) 778-4006

FILE NO. 975-00  
DATE OCT. 25, 2000  
SCALE 1" = 60'  
SHEET 1 OF 3

- LEGEND:**
- S.T. SEPTIC TANK
  - D.B. DISTRIBUTION BOX
  - ABSORPTION TRENCH
  - S SILT FENCE
  - EXIST. CONTOUR
  - PROP. CONTOUR
  - +100.0 PROP. ELEV.
  - PERC. TEST LOCATION
  - DEEP TESTHOLE LOCATION
  - PROP. WELL LOCATION
  - EXIST. UTILITY POLE

TABLE OF ZONING REQUIREMENTS: R-1 ONE-FAMILY DETACHED DWELLING				
	PROVIDED LOT 1	PROVIDED LOT 2	PROVIDED LOT 3	PROVIDED LOT 4
GROSS LOT AREA	196,566 SQ FT	63,970 SQ FT	64,887 SQ FT	161,143 SQ FT
MIN. NET LOT AREA	43,560 SQ FT	43,560 SQ FT	43,560 SQ FT	103,771 SQ FT
MIN. LOT WIDTH	125 FT	AS REQD	AS REQD	AS REQD
MIN. FRONT YARD	45 FT	AS REQD	AS REQD	AS REQD
MIN. SIDE YARD	40 FT	AS REQD	AS REQD	AS REQD
MIN. TOTAL SIDE YARDS	40 FT	AS REQD	AS REQD	AS REQD
MIN. REAR YARD	50 FT	AS REQD	AS REQD	AS REQD
MIN. STREET FRONTAGE	70 FT	AS REQD	AS REQD	AS REQD
MAX. HEIGHT	95 FT	AS REQD	AS REQD	AS REQD
MIN. FLOOR AREA RATIO	N/A	N/A	N/A	N/A
MIN. LIVABLE FLOOR AREA	1,200 SQ FT	AS REQD	AS REQD	AS REQD
MAX. DEV. COVERAGE	10 %	AS REQD	AS REQD	AS REQD

I, OWNER, HAVE REVIEWED THIS MAP AND CONCUR WITH AND APPROVE OF ITS CONTENTS FOR FILING.

DENNIS BUTLER

I HEREBY CERTIFY ONLY TO THE PARTIES LISTED HEREON THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON DECEMBER 22, 2001 AND HAS BEEN PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE ESTABLISHED BY THE N.Y.S. ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

THIS CERTIFICATION DOES NOT RUL OUT WITH TITLE TO THE LAND AND IS SUBJECT TO ANY STATE OF FACTS A TITLE SEARCH MAY REVEAL.

\* DENNIS BUTLER  
\* TOWN OF NEW WINDSOR

UNAUTHORIZED ALTERATION OR ADDITION TO A MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 1708 SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS MAP NOT BEARING THE SEAL OF THE LAND SURVEYOR SHALL BE INVALID.

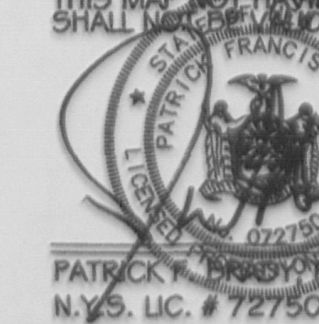


#### COUNTY CERTIFICATION:

COUNTY OF ORANGE LOCAL LAW #1 OF 1989.

I HEREBY CERTIFY THAT THE WATER AND SEWER SYSTEM SHOWN ON THIS PLAN WAS DESIGNED IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS PROMULGATED BY THE N.Y.S. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONSERVATION FOR RESIDENTIAL LOTS AS AMENDED FROM TIME TO TIME AND FURTHER THAT SUCH DESIGN IS BASED ON ACTUAL SURVEY AND SITE CONDITIONS FOUND UPON SUCH LOT AT THE DESIGN LOCATION AT THE TIME OF DESIGN.

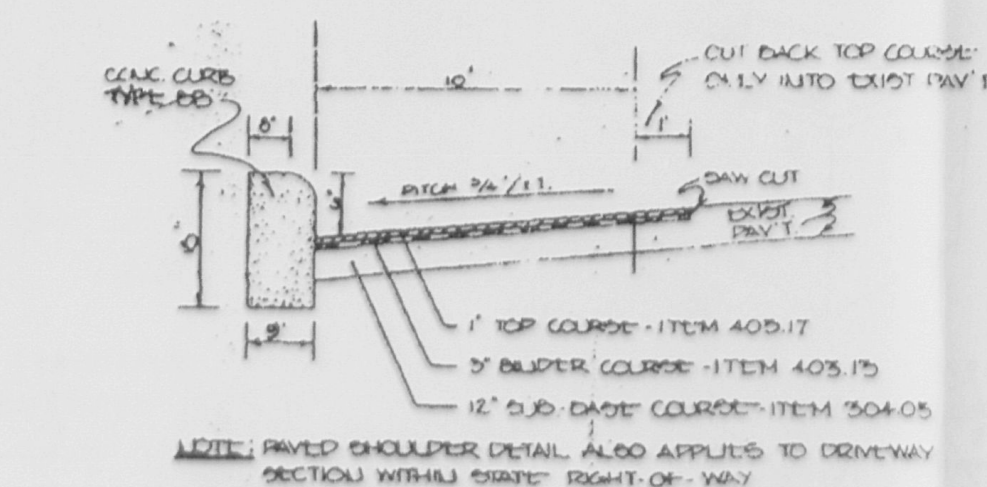
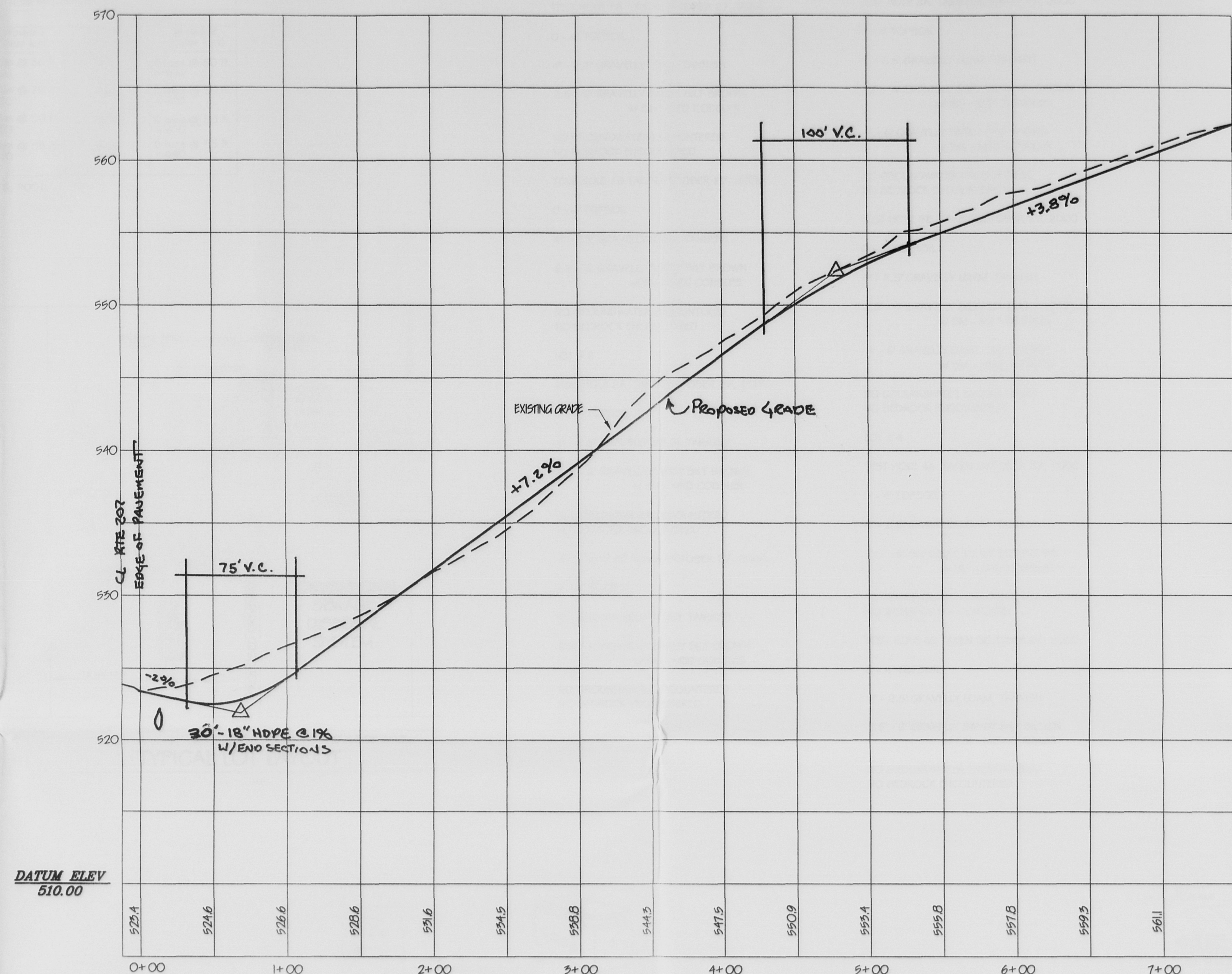
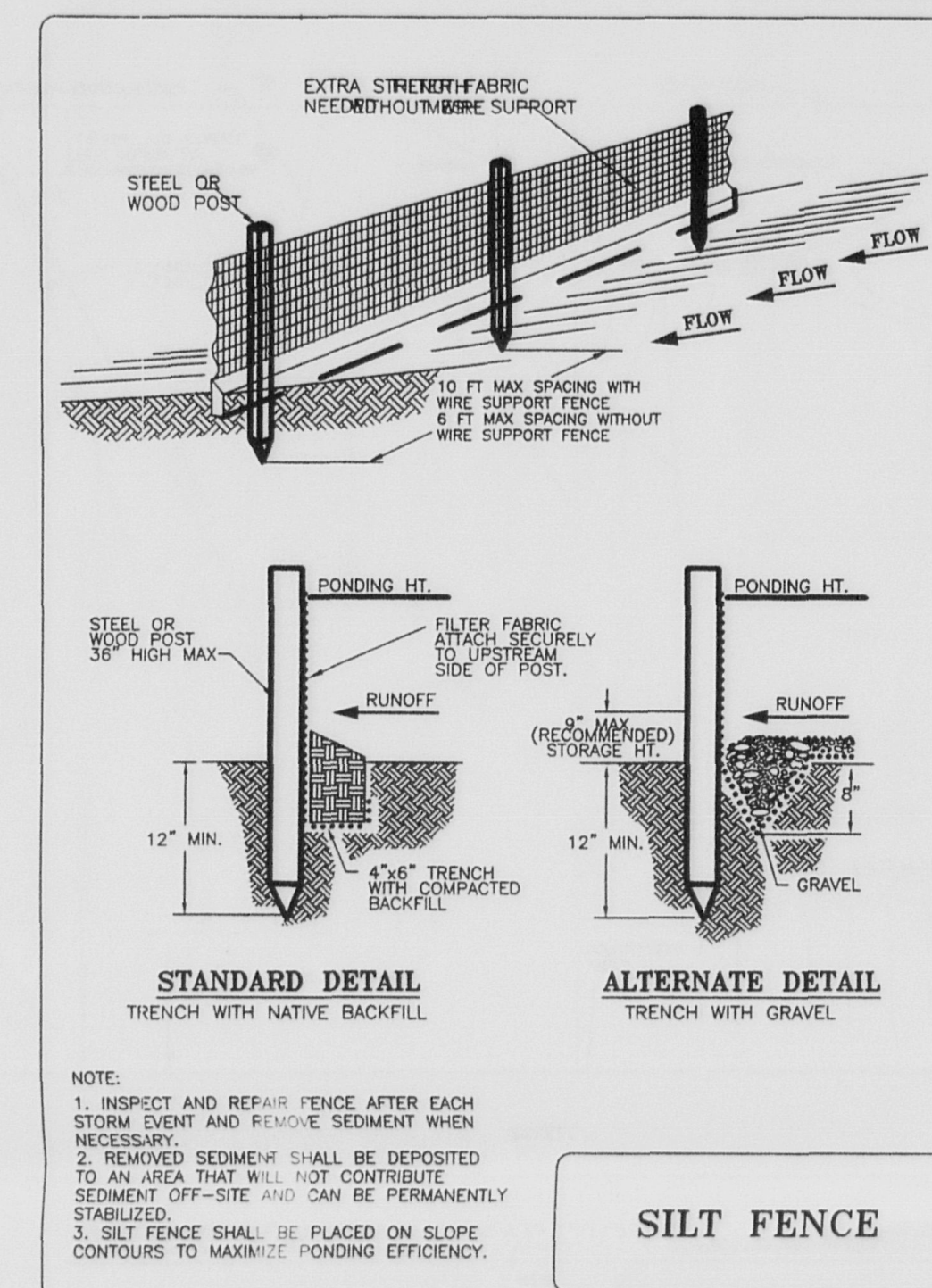
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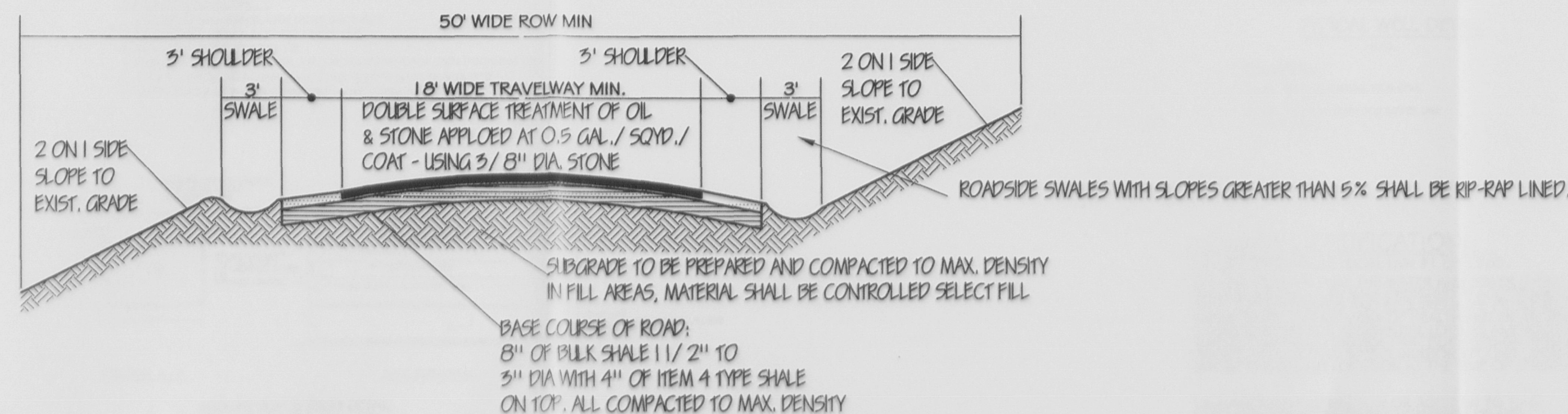


# EROSION CONTROL NOTES:

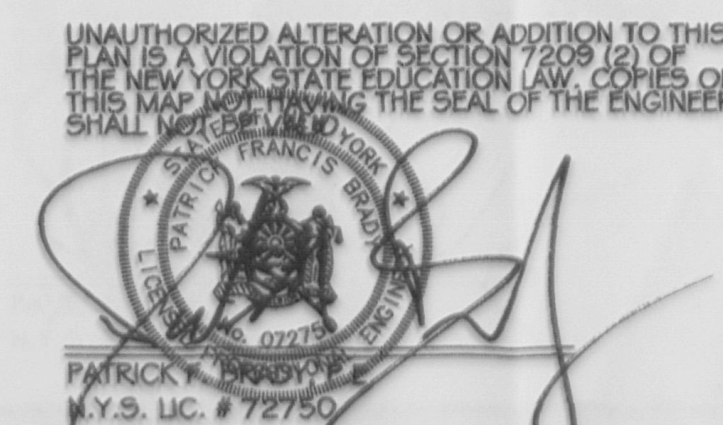
1. TEMPORARY SEDIMENTATION ENTRAPMENT AREAS SHALL BE PROVIDED AT KEY LOCATIONS TO INTERCEPT AND CLARIFY SILT LADEN RUNOFF FROM THE SITE. THESE MAY BE EXCAVATED OR MAY BE CREATED UTILIZING EXISTING BERMS, RIP-RAP OR CRUSHED STONE DAMS, MAY SALES OR OTHER SUITABLE MATERIALS. DIVERSION DITCHES, BAYS OR OTHER CHANNELIZATION SHALL BE CONSTRUCTED TO INSURE THAT ALL SILT LADEN WATERS ARE DIRECTED INTO THE ENTRAPMENT AREAS WHICH SHALL NOT BE PERMITTED TO FILL IN, BUT SHALL BE CLEANED PERIODICALLY DURING THE COURSE OF CONSTRUCTION. THE COLLECTED SILT SHALL BE DEPOSITED IN AREAS SAFE FROM FURTHER EROSION.
2. ALL DISTURBED AREAS, EXCEPT ROADWAYS, WHICH WILL REMAIN UNFINISHED FOR MORE THAN 30 DAYS SHALL BE TEMPORARILY SEEDED WITH 1/2 LB. OF RYE GRASS OR MULCHED WITH 100 LB. OF STRAW OR MAY PER 1,000 SQUARE FEET. ROADWAYS SHALL BE STABILIZED AS RAPIDLY AS PRACTICABLE BY THE INSTALLATION OF THE BASE COURSE.
3. SILT THAT LEAVES THE SITE IN SPITE OF THE REQUIRED PRECAUTIONS SHALL BE COLLECTED AND REMOVED AS DIRECTED BY THE APPROPRIATE MUNICIPAL AUTHORITIES.
4. AT THE COMPLETION OF THE PROJECT, ALL TEMPORARY SILTATION DEVICES SHALL BE REMOVED AND THE AFFECTED AREAS REGRADED, PLANTED OR TREATED IN ACCORDANCE WITH THE APPROVED SITE PLANS.



N.Y.S.D.O.T. PAVEMENT AND CURB DETAIL

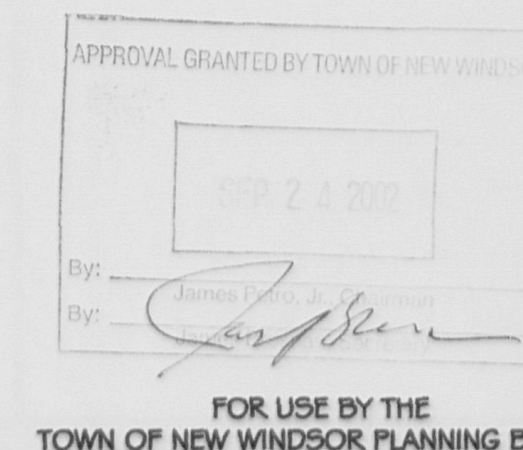


CROSS SECTION  
PRIVATE ROAD DETAIL  
NO SCALE



## REVISIONS

- REV. 6/2011 - ADDED PROP. GRADING.
- REV. 1/2012 - ADDED RD NAME, RIP-RAP LINED SWALES.
- REV. 3/4/02 - REVISED PROFILE

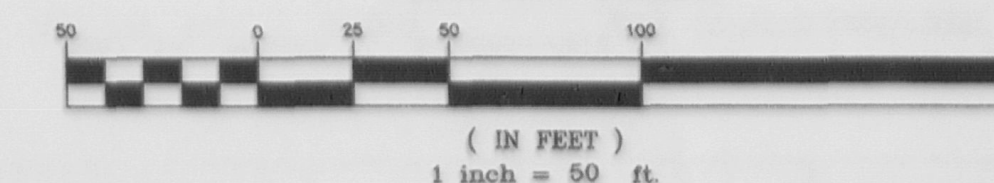


## ROAD PROFILE & DETAILS

FOR  
**DENNIS BUTLER**

LOCATED IN  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

GRAPHIC SCALE



**BRADY  
ENGINEERING**

CONSULTING ENGINEER  
POST OFFICE BOX 462, WALDEN, N.Y. 12586  
TEL/FAX (845) 776-4006

FILE NO.	975-00
DATE	OCT. 25, 2000
SCALE	1" = 50'
DWG. NO.	2 OF 3



NOTE: ALL PERCOLATION TEST WITNESSED BY REPRESENTATIVE OF TOWN ENGINEER, ON APRIL 20, 2001.



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